UNITED
NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/61/Add.1
2 August 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States parties due in 1998

Liechtenstein

[22 September 1998]

GE.99-43438 (E)

CONTENTS

		Paragraphs	Page
Introduction		1 - 2	3
I.	GENERAL INFORMATION	3 - 36	3
A.	Land and people	3 - 9	3
B.	The economy	10 - 16	4
C.	Constitution and Government	17 - 29	4
D.	Legal process in the case of human rights violations	30 - 32	7
E.	International human rights conventions and Liechtenstein law	33 - 36	7
II.	IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN LIECHTENSTEIN	37 - 261	8
A.	General measures of implementation	37 - 49	8
B.	Definition of the child	50 - 68	11
C.	General principles	69 - 91	15
D.	Civil rights and freedoms	92 - 121	19
E.	Family environment and alternative care	122 - 165	25
F.	Basic health and welfare	166 - 200	34
G.	Education, leisure and cultural activities	201 - 216	40
H.	Special protection measures	217 - 259	44
I.	Concluding remarks	260 - 261	54

Introduction

1. The present report, which was approved in its original German version by the Government of the Principality of Liechtenstein at its meeting of 14 April 1998, is submitted in conformity with article 44 of the Convention on the Rights of the Child of 20 November 1989. It describes legislative, administrative and other measures that have been taken pursuant to the Convention. This is Liechtenstein's first national report, covering the period up until 31 January 1998.

2. Like Liechtenstein's first national report under the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, Part I of this report contains general information on Liechtenstein and respect for human rights. Part II follows the general guidelines of the Committee on the Rights of the Child and contains information on the individual articles of the relevant Convention.

I. GENERAL INFORMATION

A. Land and people

3. Geographically, the Principality of Liechtenstein is enclosed between Switzerland and Austria. Its surface area is 160 km^2. Liechtenstein is divided into 11 communes. The highest point in Liechtenstein is at 2,599 metres above sea level (the Grauspitze), and the lowest point at 430 metres above sea level (the Ruggeller Riet). A quarter of the land area is in the Rhine valley, while the other three quarters are on the slopes of the Rhine valley and in the inner Alpine area. The capital of Liechtenstein is Vaduz.

4. At the end of 1996, Liechtenstein had a population of 31,141. Of this number, 37.6 per cent were foreigners. About two thirds of the foreign residents are from Switzerland, Austria and Germany.

5. Average life expectancy has been continually rising for the past 30 years. From 1990 to 1995, life expectancy was 74 years for women and 68 years for men.

6. Infant mortality (death within one year after birth) has been continually decreasing in Liechtenstein since the 1950s. Between 1990 and 1994 it averaged 1.2 cases, or 3.0 per 1,000 children.

7. On average, 388 children were born each year between 1990 and 1994.

8. At the end of 1996, 18.8 per cent of the population were under 15 years of age, while 10.3 per cent of the population were older than 65.

9. At the end of 1996, 95.3 per cent of the population with Liechtenstein nationality were Roman Catholic. Of the foreign residents, 54.6 per cent were Roman Catholic and 16.6 per cent Protestant, while 13.6 per cent belonged to another faith (no information available for 15.2 per cent).

B. The economy

10. Since the entry into force in 1924 of the Customs Agreement with Switzerland, Liechtenstein and Switzerland have constituted a common economic area. The border between the two States is open, while the border with Austria is guarded by Swiss customs officers. Under the Currency Agreement with Switzerland, the legal tender in Liechtenstein is the Swiss franc. Since 1 May 1995 Liechtenstein has been a participant in the European Economic Area, forming a single domestic market together with the 15 member States of the European Union, Norway and Iceland.

11. Liechtenstein is a modern industrial and services State with worldwide contacts. Its economic success in recent decades has been based on favourable overall conditions resulting from liberal economic legislation and tax advantages for resident companies. These are made possible not least as a result of an efficient financial services system.

12. Liechtenstein's small size and the prevailing economic upturn have resulted in a situation where a large proportion of the labour force commutes across the national frontier. At the end of 1996, 15,741 people resident in Liechtenstein were economically active. Of these, 14,660 were employed in Liechtenstein and 1,081 abroad. In addition to the 14,660 employed in Liechtenstein, there were a further 8,231 employees commuting from neighbouring foreign countries.

13. Agriculture is no longer of major significance in the national economy. It does however still perform important functions with respect to food self-sufficiency in times of crisis and care and maintenance of the natural and cultural landscape. At the end of 1996, 1.5 per cent of the workforce was still employed in the primary sector. Like other economies, that of Liechtenstein is experiencing a continual expansion of the services sector. In 1996 52.5 per cent of persons in full-time employment were active in the tertiary sector. At the end of 1995, the secondary sector (industry, crafts, construction) employed 46 per cent.

14. At the end of 1995, the proportion of the domestic population that was economically active was 50.5 per cent.

15. In international terms, unemployment is low. It rarely exceeds the 2 per cent mark, and at the end of 1997 was at 1.4 per cent.

16. On the basis of the economic and monetary union with Switzerland, the rate of inflation is expressed through the Swiss national Consumer Price Index. In 1996 it was just under 1 per cent.

C. Constitution and Government

17. The Principality of Liechtenstein is a hereditary constitutional monarchy with democratic and parliamentary foundations. The power of the State is vested in the Prince and the people.

18. The Constitution in force today dates back to the year 1921, and was the outcome of a process of renewal in the aftermath of the First World War. As compared with the previous Constitution, dating from 1862, it was able to effect a considerable expansion of the rights of the people as against the Prince.

19. The Constitution of the Principality of Liechtenstein guarantees a series of fundamental rights. Specifically, these comprise equality before the law, the right to freedom of domicile and inheritance, personal freedom, domestic authority, protection of the secrecy of correspondence and written communications, the right of due process before a duly appointed judge, inviolability of private property, freedom of trade, freedom of belief and conscience, the right to free expression and press freedom, the right to free association and assembly, the right to petition and the right of appeal.

20. In the dual system of government of the Principality of Liechtenstein, State power is vested in the Prince and the people. The division of powers is further guaranteed in that the executive (the Government), the legislature (the Landtag) and the judiciary (the courts system) each possess their own rights. Since, however, the Government is appointed by the Prince on the proposal of the Landtag, the majority in the Landtag is also the majority in the Government.

21. The Prince, Prince Hans Adam II von und zu Liechtenstein, occupies a strong position in the State structure of Liechtenstein. The Prince is the head of State, and represents the country abroad. He appoints the members of the Government on the proposal of the Landtag, and, with the exception of the members of the Jury Court and the Criminal Court, also the judges of the civil and penal courts, as well as the President of the Administrative Court. He has the right to issue pardons and to annul criminal proceedings. The right to assume emergency powers and the right to dissolve the Landtag for valid reasons further strengthen the position of the Prince. Moreover, every law requires the approval of the Prince in order to come into effect. Nevertheless, the Prince is also bound in the exercise of his powers by the provisions of the Constitution.

22. Liechtenstein's Parliament, the Landtag, is elected every four years. The Landtag consists of 25 deputies, 15 of them from the Oberland electoral district and 10 from the Unterland electoral district. They are elected by universal, equal suffrage through direct and secret ballot, in accordance with the proportional representation system. Only parties that exceed a cut-off level of 8 per cent nationwide are admitted to the Landtag. The deputies discharge their duties in addition to their professional activities. The most important tasks of the Landtag are participating in legislation, accepting State treaties, authorizing the State budget, making proposals for the appointment of the Government and various judges and controlling the national administration. The quorum for decision-making by the Landtag is at least two thirds of the deputies.

23. During the current term (1997-2001), three parties are represented in the Landtag. The Fatherland Union (VU), with 13 seats, holds an absolute majority. The Progressive Citizen's Party of Liechtenstein (FBPL) has 10 seats, while the Free List (FL) is represented by 2 seats.

24. The Government comprises five members: the Head of Government, the Deputy Head of Government and three further members. The members of the Government are appointed by the Prince on the proposal of the Landtag. The Head of Government has the right to countersign all decrees and orders issued by the Prince, as well as legislation endorsed by the Prince. The Government is the supreme executive authority, and has under it 30 departments, a number of diplomatic missions abroad, and offices. The work of the administration is supported by some 50 commissions and advisory councils. The Government has the authority to issue orders, and hence is also a legislative body. Orders may however only be promulgated in the context of laws and State treaties. In specific cases, the Government also exercises appellate jurisdiction. Decisions of an administrative authority or commune can be appealed to the Government.

25. In Liechtenstein, great importance is attached to the autonomy of the communes. The Constitution lays down the scope of their independent activity. The voters in each commune elect a Commune Council headed by a mayor who, depending on the size of the commune, performs his duties full-time or part-time. The commune authorities independently conduct the necessary transactions and manage the property of the commune. The citizens can appeal their decisions by means of a referendum.

26. Jurisdiction is divided into public law, (extraordinary) jurisdiction and ordinary jurisdiction.

27. Public law jurisdiction is exercised by the Board of Administrative Appeal and the State Court. The President of the Board of Administrative Appeal and his representative are appointed by the Prince on the proposal of the Landtag. Judges of appeal are appointed by the Landtag. Their four-year term of office terminates simultaneously with the term of office of the Landtag. The Board of Administrative Appeal hears appeals against decisions and orders of the Government of representative commissions. There can be no further regular appeal against decisions of the Board of Administrative Appeal.

28. The members of the State Court are elected by the Landtag for a term of five years. They serve in addition to their other activities. The President and his Deputy require the confirmation of the Prince. The functions of the State Court include protection of the rights guaranteed by the Constitution and established in the European Convention on Human Rights, decisions in conflicts of competence between courts and administrative authorities, and serving as a disciplinary court for members of the Government and verifying the constitutionality of laws and the legality of government ordinances.

29. The regular jurisdiction comprises the administration of justice in civil and penal cases. The principles of oral examination, personal presence and free submission of evidence apply, and in criminal cases also the accusatory principle. The court of first instance is the Princely National Court in Vaduz. In disputed civil proceedings, before a suit can be brought in the National Court, a reconciliation procedure must be conducted at the place of residence of the defendant. Only if this fails, application can be made to the national court as the court of first instance. The court of second instance is the Princely High Court and the court of third instance the Princely Supreme Court. Both of these are collegial courts.

D. Legal process in the case of human rights violations

30. When anyone feels that his fundamental rights and freedoms have been violated, he is entitled to apply to the courts or to file a complaint. Entitlements include annulment of an administrative or government decision, payment of damages or compensation for material or immaterial damage. The State Court also has the task of verifying the constitutionality of the law in force and where necessary declaring laws or regulations or parts of them invalid. In specific cases, an appeal may also be addressed to the European Court of Human Rights in Strasbourg.

31. The post of Ombudsman was established in Liechtenstein in 1976. The Ombudsman is appointed by the Government. His function is to provide personal advice in matters relating to the national administration and to hear complaints and suggestions regarding the actions of the State offices.

32. Since 8 September 1982, Liechtenstein has been a State party to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. Compliance with the requirements of the European Convention on Human Rights in Liechtenstein is monitored by the State Court. Citizens who feel their rights have been violated can have recourse first to the European Commission on Human Rights and then to the European Court of Human Rights. A prerequisite for doing so is that proceedings before the State Court of Liechtenstein should have been concluded.

E. International human rights conventions and Liechtenstein law

33. Liechtenstein has ratified a number of United Nations and Council of Europe conventions relating to the protection of human rights:

- The Charter of the United Nations;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Rights of the Child;
- Convention relating to the Status of Refugees;
- Protocol relating to the Status of Refugees;
- Statute of the Council of Europe;
- European Convention for the Protection of Human Rights and Fundamental Freedoms, including various protocols;

- European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

- Framework Convention for the Protection of National Minorities;

- European Charter for Regional and Minority Languages.

34. Liechtenstein abides by the principle that treaty obligations should be entered into only when they can be complied with. According to the prevailing doctrine, international treaties have at least the status of law.

35. The public in Liechtenstein is informed of international human rights instruments by the Government at the time of parliamentary approval and entry into force, and thereafter as required. Given the fact, however, that the European Convention on Human Rights is repeatedly referred to in speeches and written opinions, it may be assumed that there is a high level of awareness of this instrument. Where other international agreements are concerned, this is less likely to be the case.

36. The basic point to be made is that all laws and regulations, and thus also international agreements, have to be discussed in the Landtag and publicized, and hence are accessible to the public. Entry into force is announced in official publications. The texts of agreements may be obtained from the Government Administrative Office.

II. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN LIECHTENSTEIN

A. General measures of implementation

1. Measures taken to harmonize national law and policy with the provisions of the Convention

37. Liechtenstein signed the Convention on the Rights of the Child on 30 September 1990, on the occasion of the World Summit for Children in New York. Following its approval by the Landtag on 31 October 1995 and the deposit of the instrument of ratification, the Convention entered into force for Liechtenstein on 21 January 1996. In the course of the ratification process, the existing legislation and policy were comprehensively reviewed in order to ensure that Liechtenstein would be able to discharge the obligations associated with ratification. Through comparison of the existing legislation with the Convention, account was also taken of the fact that not all the provisions of the Convention are unconditionally and sufficiently specific to establish rights to which direct effect can be given through the courts. The review came to the conclusion that Liechtenstein's legislation is basically, in terms of its meaning, in conformity with the provisions of the Convention. Reservations needed to be entered to two articles, and a further declaration with respect to one. The reservations and the declaration will be discussed in more detail at the appropriate place in this report.

38. The Government of Liechtenstein had already submitted to the Landtag in 1994, on the occasion of the International Year of the Family, an exhaustive report on family policy which, in

the light of the principles outlined by the United Nations with respect to the family, described areas of action in the field of family policy and proposed the requisite implementation measures. In 1996, on the occasion of the fiftieth anniversary of the establishment of UNICEF and half a year after its ratification of the Convention on the Rights of the Child, it submitted to the Landtag a report on child and youth policy in Liechtenstein. This report served to take stock of the legal and social situation of children and adolescents in Liechtenstein, and was designed to launch discussion of necessary youth policy measures and their implementation. The knowledge derived from the above-mentioned review of the legislative situation and policy in the context of the process of ratification of the Convention on the Rights of the Child provided inputs to the report.

39. The report on child and youth policy aims in particular at ensuring that male and female politicians at the national and local levels, practitioners in youth services and education and all those who are concerned for the welfare of children and adolescents pay more attention to the "youth-friendliness" of their actions. In the implementation of the proposed set of measures, an effort will be made to ensure the fullest possible participation of all groups involved. In order to focus the establishment of priorities on the actual needs, a survey of children and adolescents in Liechtenstein was conducted in the spring of 1998. The aim of the investigation was to obtain quantitative evidence relating to such areas as use of free time and adolescents' values. On the basis of these quantitative results, a second phase will subsequently be conducted which is intended to provide information on the qualitative aspects of the implementation of the set of measures.

40. Another contribution to the implementation of the child and youth report was made by the expert meeting held in the autumn of 1997 under the title "Youth services - a policy obligation". At the conference, male and female youth workers engaged in discussion with representatives of political circles on topics including how the needs of children and adolescents can best be brought to the attention of political decision makers. Priorities for improved cooperation between public youth services and policy makers were also discussed.

2. Existing or planned mechanisms at the national or local level for coordinating policies relating to children and monitoring the implementation of the Convention

41. The most important legislative basis for child and youth policy in Liechtenstein is Liechtenstein's Youth Act. The Youth Act defines the objectives of Liechtenstein's child and youth policy: promotion of the physical, moral, social, cultural and religious development of children and adolescents (care of juveniles), protection against dangers liable to influence that development (protection of juveniles) and assistance to children and adolescents (assistance to juveniles). The intention is that promotional activities, protection and the provision of assistance under the Youth Act should supplement the duties of the family, the schools and the workplace in the area of upbringing and education. In addition, the Youth Act establishes which bodies are responsible for its implementation, and regulates the financing of care of and assistance to juveniles.

42. Child and youth policy in Liechtenstein is divided into three areas: care of juveniles, protection of juveniles and assistance to juveniles. Care of juveniles is provided outside the

school and the workplace. It takes place in free time, and is the responsibility of municipalities, religious communities, private and public institutions and youth groups. The role of the State is primarily to provide financial contributions and technical support and to make premises available. At the national level, the Children's and Youth Service (formerly Youth Office) of the Office for Social Services is responsible for care of youth. At the community level are the Youth Commissions, which work together with the Children's and Youth Service in relation to care of juveniles. Their functions include advising the Community Council on youth issues, cooperating with staff of the open youth work, coordinating the activity of various youth associations and promoting outreach to unorganized adolescents. For the past two years, there has been a non-governmental coordinating office for youth issues, in the form of the Association of Youth Workers in Liechtenstein, which cooperates closely with the Children's and Youth Service.

43. The provisions of the Youth Act relating to protection of juveniles primarily establish the regulations relating to presence in public places, alcohol and tobacco consumption and media protection. The municipal police authorities, the national police service (Landespolizei) and the Office for Social Services are responsible for monitoring compliance. The judicial authority competent with respect to violations of the provisions of the Youth Act is the Court of First Instance (Landgericht).

44. In the area of assistance to juveniles, various services are offered in the fields of counselling, intervention, care, adoption procedures and official assistance. In addition to the Children's and Youth Service, private institutions are also active in assistance to juveniles. The private assistance services available range from the counselling office for parents, children and adolescents through the telephone help line for children and adolescents to the special residential group for adolescents with various types of problems. The State partners of these private associations are again the Children's and Youth Service at the national level and the Youth Commissions at the commune level.

45. On issues of principle relating to care and youth protection of and assistance to juveniles, the Government is advised by the Youth Council. Its members are appointed by the Government. The head of the Office for Social Service serves as its Chairman, and coordination with the Children's and Youth Service is thus assured. Under the terms of the Youth Act, the Youth Council is also responsible in particular for arranging voluntary assistance activities (advisory services to young people, parents and employees, foster care, institutional care) and applying to the Landgericht in connection with the arrangement of statutory assistance measures.

3. Measures to publicize the principles and provisions of the Convention

46. As in the case of other international conventions Liechtenstein has ratified, the public in Liechtenstein was kept informed of the content of the Convention on the Rights of the Child, in the course of the ratification process, through official press releases by the Government. The official press releases are published regularly in the two daily newspapers in Liechtenstein, and because of the small size of the country reach a large proportion of the population. The text of the Convention itself was published in full in the National Law Gazette (Landesgesetzblatt (LGBl. 1996 No. 163)), and copies can be obtained from the Government Administrative Office. In addition, the central provisions of the Convention on the Rights of the Child form an important part of the Government's report on child and youth policy referred to above. This

report was presented in the youth commissions and at a conference of heads of public schools. Some 300 copies were distributed to interested circles in the open youth work and in associations.

47. Since Liechtenstein has no educational facilities of its own for youth-related professions (teachers, youth workers, etc.), the Convention is utilized in the context of further in-service training. For example, an introduction to it forms parts of the compulsory course for teachers on the Education Act. There are in Liechtenstein no general regulations for the training of judges. The relevant training is conducted on an individual basis, tailored to the person concerned. At the time when the last generation of judges was trained, Liechtenstein had not yet ratified the Convention on the Rights of the Child. Accordingly, it does not yet form part of the training.

48. Another opportunity for publicizing the principles and provisions of the Convention has in the past been afforded by World Children's Day, on the occasion of which attention is drawn each year, through the official press releases referred to above, to the significance and content of the Convention.

49. In connection with the celebration in 1998 of the fiftieth anniversary of the Universal Declaration of Human Rights, the attention of schools in Liechtenstein was drawn to the possibility of school projects on human rights, and particularly children's rights, and they were provided with background materials, including materials on the Convention on the Rights of the Child.

B. Definition of the child

1. The age of majority

50. The age of majority as a basic prerequisite for full capacity to perform legal acts and conclude contracts, is set by Liechtenstein's Persons and Companies Act (LGBl. 1926 No. 4) at 20 years, and the age of competence at 14 years. Under the terms of an Act of 1973 on the exercise of political rights in national affairs (LGBl. 1973 No. 50), the right to vote is acquired at the age of 20. The General Civil Code makes provision for the possibility of the minority of a child being extended by a court order in individual cases before he or she attains the age of majority, if the child, especially as a result of perceptibly retarded development, is unable to conduct his affairs without risk of disadvantage to himself. Similarly, it is possible for the length of a child's minority to be reduced through a declaration of majority by the court, if the child has reached the age of 18 and appears ready to conduct his affairs independently and properly. If a minor marries, he or she attains majority at the time of the marriage, but at the earliest at the age of 18. A minor who marries before the age of 18 is until attaining that age equated with an adult in terms of personal relationships, but not in financial affairs.

51. For purposes of juvenile protection, Liechtenstein's Youth Act (LGBl. 1980 No. 38) defines children as persons who have not yet reached the age of 14, and adolescents who have reached the age of 14, but not yet 18. This definition corresponds to the one in Liechtenstein's Penal Code (LGBl. 1998 No. 37), which provides additionally that individuals who have not yet reached the age of 20 are regarded as minors.

52. Civil and political majority begins in Liechtenstein at the age of 20. The ages of 18 and 19 thus constitute a "grey area". In the eyes of the law, the young person is no longer an adolescent, but also does not qualify as an adult. He has many personal rights (for example, no restrictions on frequentation of inns and bars, consumption of distilled alcoholic beverages, acquisition of a driving licence). However, he is not yet accorded other rights, such as active and passive suffrage or capacity to perform legal acts. In order to reflect this situation, when Liechtenstein deposited its instrument of ratification it made the following interpretative declaration regarding article 1 of the Convention: "According to the legislation of the Principality of Liechtenstein children come of age at 20 years. However, the Liechtenstein law provides for the possibility to prolong or to shorten the duration of minority."

2. Capacity to perform legal acts

53. The capacity to perform legal acts is essentially age-dependent. The General Civil Code established as a principle that a minor may not legally make dispositions or assume obligations without the express or tacit consent of his or her legal guardian. On attaining the age of 14, minors nevertheless enjoy limited capacity to perform legal acts. They may make dispositions and assume obligations in respect of objects put at their disposal, and in respect of income accruing to them from gainful activity, to the extent that this does not put the satisfaction of their standard of living requirements at risk. Thus adolescents can without the consent of their parents independently engage in legal transactions that relate to a trivial matter of daily life and are normally conducted by a minor of that age (for example, purchase of small items whose cost is commensurate with their wages or pocket money).

54. Minors between the ages of 14 and 18 may on their own account enter into contractual obligations to provide services, with the exception of services based on an apprenticeship or other training contract. The legal guardian may prematurely terminate the contractual relationship for important reasons.

55. On attaining the age of 15, a minor child also becomes liable under the provisions of the law governing payment of damages. Minors who have not yet reached the age of 14 lack the legal capacity to make a will. Minors who have not yet reached the age of 18 can make a will only verbally before a court. From their eighteenth birthday onwards, they are not subject to any restriction for making a last will and testament.

3. Age of compulsory school attendance

56. Under the terms of the Education Act (LGBl. 1972 No. 7), general compulsory schooling begins between the sixth and seventh birthday and lasts nine years, while in exceptional cases earlier school attendance may also be authorized. The Education Act prescribes five years of primary school and four years of secondary school. In special cases the School Board can, on the unanimous application of the parents, the class teacher, the school doctor and the school psychologist, release the child from attending the ninth year of school.

4. Paid employment

57. Under the terms of Liechtenstein's Employment Act (LGBl. 1967 No. 6), employees of both sexes until they attain the age of 19, and apprentices until they attain the age of 20, are regarded as adolescents. Before the age of 14, adolescents may not be employed. In the case of adolescents aged over 14 and not attending school, exceptions may be authorized subject to specific requirements. Under the terms of Ordinance I to Liechtenstein's Employment Act (LGBl. 1968 No. 15), adolescents aged over 13 may be employed during school time for a maximum of nine hours a week as messengers or on light work.

58. Apart from the forms of employment prohibited for all adolescents (in particular employment which entails a substantial risk of fire, explosion, accident, illness or toxicity), the Ordinance in addition prohibits adolescents under the age of 16 from engaging in various forms of dangerous or burdensome employment. Moreover, for the purpose of protection of juveniles there are prohibitions on the employment of adolescents who have not attained the age of 16 in film production, circus and theatrical companies, and of adolescents who have not attained the age of 18 in serving customers in hotels, bars, restaurants and places of entertainment.

5. Legal age of sexual consent

59. The sexual self-determination of girls and boys is protected by a number of legislative provisions. Under the law, the legal age of sexual consent is in principle 14, and in the case of homosexual acts 18 years. Under the Penal Code, intercourse and any other form of sexual activity with or in the presence of children under the age of 14 is liable to prosecution. If the person committing a sexual act is not more than two years older than the minor, the right to prosecute may under certain circumstances be waived. Acts liable to jeopardize the moral, spiritual or health development of adolescents (up until the age of 18) are also liable to prosecution.

6. Legal age of marriage

60. Liechtenstein's Marriage Age (LGBl. 1974 No. 20) establishes the legal age of marriage. In order to contract marriage, the bridegroom must have attained the age of 20 and the bride the age of 18. In exceptional cases, the courts can, however, with the permission of the legal guardian, declare a bride or bridegroom ready for marriage. If the legal guardian refuses permission without valid reason, the court can grant it at the request of one of the couple.

61. In order to eliminate the unequal treatment of women and men with respect to the legal age of marriage, the Government has submitted to the Landtag an application for revision of the Marriage Act.

7. Legal age of military service

62. Since 1868, Liechtenstein has had no armed forces. There is no legislation the legal age of military service. Liechtenstein's Constitution (LGBl. 1921 No. 15), however, provides that until the age of 60, every male capable of bearing arms is obliged to defend the fatherland in case of need. The Constitution does not specify any minimum age limit.

8. Age of criminal liability

63. Persons who have attained the age of 14, but not yet 18, are subject in Liechtenstein to the Juvenile Court Act (LGBl. 1988 No. 39). The Juvenile Court Act provides that for the punishment of juvenile offences, the maximum and minimum terms of all prison sentences specified in the penal legislation are to be reduced by half. Imposition of a life sentence or of a prison term of from 10 to 20 years is replaced by imposition of a prison term of 5 to 15 years if an adolescent committed the offences after attaining his sixteenth birthday, and otherwise by the imposition of a prison term of from 5 to 10 years. With respect to the possibility of replacing the penalty by educational measures, the Juvenile Court Act makes a distinction with respect not to the age but to the maturity of the adolescent. Under its terms adolescents who commit an act or omission liable to punishment are not punishable if they are for particular reasons not yet mature enough to realize that the deed was wrong or to come to this realization.

9. The child's right to be heard in court

64. There is no general provision regulating the right of children to be heard in court. In the case of court decisions that affect the care and upbringing of a child, for example in cases of the divorce or separation of parents, the General Civil Code nevertheless provides that the court shall if at all possible grant the child a personal hearing before such decisions are made. A child under the age of 10 can also be interviewed by the Children's and Youth Service or in some other suitable way.

10. The obligation to give evidence

65. In neither civil nor criminal cases does Liechtenstein law recognize an age-limit on the obligation to give evidence. The Code of Civil Procedure (LGBl. 1912 No. 9/1) merely prohibits the giving of evidence by persons who are incapable of communicating their perceptions or were, at the time to which their statements refer, incapable of perceiving the relevant circumstance. Children who are capable of giving evidence may testify before the court as witnesses in both civil and criminal proceedings. The Code of Criminal Procedure (LGBl. 1988 No. 62) simply provides that an oath may not be administered to persons under the age of 14 after they have been heard as witnesses if the oath is otherwise invalid.

11. Youth protection

66. Children and adolescents are prohibited from consuming distilled alcoholic beverages. Until the age of 16, children and adolescents are prohibited from consuming non-distilled alcoholic beverages and tobacco goods. Consumption of illegal drugs is forbidden for all age groups. The relevant provisions are to be found primarily in the Narcotic Substances Act (LGBl. 1983 No. 38).

67. The purpose of protection of juveniles is also served by the general regulation of presence in public places contained in the Youth Act. Under its terms, children under the age of 14 may not be in a public place between 9 p.m. and 5 a.m. unless accompanied by an authorized guardian or with a valid reason; the corresponding time-limits for adolescents up to their sixteenth birthday and adolescents aged 16 or over are between 11 p.m./12 p.m. and 5 a.m.

respectively. Subject to this general regulation, children and adolescents may attend public film performances only if the film is approved for their age groups. The same is true of television broadcasts in public places or public houses. Documents and objects that endanger morals or have a brutalizing effect may be neither offered, sold or shown to children and adolescents nor displayed, exhibited, hung or affixed in places where children and adolescents also have access to them.

12. Medical consultation and treatment

68. The issue of the consent of minors to medical consultation and treatment is not explicitly regulated. The consent of the legal guardian, on the other hand, is required in principle on the basis of the provisions governing the capacity of minors to perform legal acts. Again, the legal guardian is, under the terms of the General Civil Code, under an obligation, in the context of care for minor children, to ensure their physical well-being and health. If by his conduct the legal guardian endangers the welfare of a minor child, the court is required, regardless of who makes application to it, to issue the necessary instructions to ensure the welfare of the child. In the case of neglect or breach of the duty to ensure the child's welfare by those responsible for bringing up the child, it is thus quite possible that a court would replace the absent consent of the legal guardian by means of a court order.

C. General principles

1. Non-discrimination (art. 2)

69. The principle of equality of treatment for Liechtenstein nationals is embodied in Liechtenstein's Constitution. The rights of foreigners are, according to the Constitution, determined by treaty or by reciprocity. On 8 September 1982 the European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR, (LGBl. 1982 No. 60) entered into force for Liechtenstein. The European Convention, which in Liechtenstein is assigned at least the status of law, bans discrimination on grounds of gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. This ban on discrimination applies to the rights established in the European Convention on Human Rights.

70. The reform of family law conducted in 1992/93 largely did away with the difference in treatment between children born out of wedlock and children born in wedlock. A further step towards equal treatment took place in the course of the civil law reform of 1996/97. The only difference that still exists between children born in and out of wedlock relates to custody of the child, which in the case of children born out of wedlock is assigned solely to the mother. Upon the joint application of the parents, the court can nevertheless order that they should have joint custody of a child born out of wedlock, if they are living in a permanent household with the child and the order is not detrimental to the well-being of the child.

71. In 1997, Liechtenstein ratified the European Convention on the Legal Status of Children Born out of Wedlock of 15 October 1975 (LGBl. 1997 No. 109). It will now be possible, on the basis of the amendment to the General Civil Code, which has been submitted to the Landtag for approval, to withdraw the two reservations Liechtenstein was compelled to enter when it ratified the Convention.

72. In the context of the implementation of the Platform for Action of the Fourth World Conference on Women, held in Beijing in 1995, Liechtenstein has, apart from adjusting its legislation, also taken administrative measures to counter de facto discrimination against women and girls. These measures include promotion of equality of opportunities in school education by sensitizing teaching staff to the need for non-discriminatory education, review and redrafting of teaching materials, questioning of traditional gender roles in courses and lectures, encouragement of girls to expand the "traditional" range of professions for women and prevention of sexual violence. The report on equality submitted to the Landtag by the Government in 1997, which contains suggestions and proposals to be taken into account in giving effect to the principle of equality of women and men embodied in the Constitution. also serves to promote de facto equality between women and men. This report will form the basis for future measures which will make it possible to achieve, in addition to de jure equality, de facto equality, between women and men.

73. On the basis of a report by the National Police Force on the situation of right-wing radical groups in Liechtenstein, the Government decided in October 1997 to assign to a working group the task of drawing up a supplement to the Penal Code. The purpose of the supplement is to develop possibilities of penalties for racist practices. This should, inter alia, improve the protection against discrimination on ethnic grounds. With this adjustment to the national legislation, it will probably also be possible for Liechtenstein to accede to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.

74. Liechtenstein's participation in the youth campaign conducted by the Council of Europe in 1995 against racism, xenophobia, anti-Semitism and intolerance contributed to the prevention of hostility to foreigners among adolescents. On the occasion of the Year against Racism proclaimed by the European Union in 1997, various events were also organized in the framework of the open youth work (i.e. outside clubs or associations) and in cooperation with the schools. These included, for example, an essay competition on the topic "being foreign" which was encouragingly well received among children and adolescents. The "Youth for Europe" youth programme of the European Union, in which several youth groups in Liechtenstein are participating, also serves to promote understanding of different cultures. Lastly, comparison with foreign cultures and peoples also forms an integral part of Liechtenstein's school curricula.

2. Best interests of the child (art. 3)

75. The well-being of the child is defined in Liechtenstein in the General Civil Code. Under its terms, account should be taken of the character of the child and his needs, especially his inclinations, skills, likes and dislikes and his opportunities for development, as well as his parents' living standard.

76. Under the terms of the General Civil Code, parents shall take care of the upbringing of their minor children and shall promote their well-being in general. Third parties may interfere with parental rights only insofar as is permitted by the parents themselves, by direct application of the law or by means of an official order. If the parents or grandparents, through their conduct, jeopardize the well-being of a minor child, the court, regardless of who makes application to it, is authorized to issue the necessary instructions to ensure the well-being of the child. In particular, the court may transfer, in whole or in part, custody of the child, and also suspend the rights of authorization and consent provided for by law. At the same time, the court may, however, limit custody only insofar as is necessary in order to ensure the best interests of the child.

77. If the best interests of the child are endangered and he accordingly needs to be completely removed from his former environment against the will of those legally responsible for his upbringing, the court can order him to be placed with relatives or other suitable persons closer to the child. If this is not possible, the court is required to assign custody of the child, in whole or in part, to the Children's and Youth Service. The Children's and Youth Service may assign the exercise of custody to third parties. Transfer of custody to foster parents has to be terminated if this is in the interest of the well-being of the child. At the same time, the court is required, taking into account the best interests of the child, to indicate to whom custody is to be transferred.

78. In principle, the court can, on the application of one parent or of the child concerned, overrule the withholding of consent by the other parent, or if necessary even by both parents, if what is involved is legal action or a measure or order to which effect urgently needs to be given in the interest of the well-being of the child and the interests of the parents, where they do not consent, are not reasonably impaired thereby. For example, the court is required to make the necessary orders for the well-being of the child in cases where a child who has reached his fourteenth birthday applies to the court because he has unsuccessfully presented to his parents his views regarding his education.

79. In the case of separation or divorce of the parents, custody of the child is assigned in accordance with the principle of taking into account the best interests of the child. The same applies to the transfer of care and upbringing to only one parent on other grounds. Exercise of the right of visitation and the obligation to establish paternity of a child born out of wedlock are also to be arranged in a manner commensurate with the well-being of the child.

80. Protection of the well-being of the child is guaranteed, apart from the provisions of the social welfare legislation, by the juvenile protection provisions of the Youth Act and numerous provisions of the Penal Code, the aim of which is to act as a deterrent, through the imposition of penalties, to acts or omissions which endanger the physical and spiritual welfare of children and adolescents.

3. The right to life, survival and development (art. 6)

81. While Liechtenstein's Constitution does not expressly provide for the right to life, it is guaranteed by the European Convention on Human Rights which has, in Liechtenstein at least, the status of law. A particular problem arises in this connection in relation to the termination of pregnancy. According to Liechtenstein's Penal Code, termination of pregnancy is in principle

liable to punishment. A termination of pregnancy is exempt from prosecution in two cases: (i) if the termination of pregnancy is necessary in order to avert a serious threat to the life or a serious impairment of the health of the pregnant woman that cannot otherwise be averted, (ii) when the pregnant woman has not at the time of the pregnancy yet attained her fourteenth birthday and was not, either then or later, married to the man who made her pregnant. In both cases, the termination has to be conducted by a doctor. An exception to this rule is possible only if the termination of pregnancy is undertaken in order to save a pregnant woman from a direct threat to her life that cannot otherwise be averted in circumstances where medical assistance is not accessible in a timely manner.

82. The penalties applicable to termination of pregnancy are based on the principle that human life is not subject to protection only after birth. At the same time, they take into account special conflict situations in which protection of the future child calls into question the protection of the life and health of the woman. In the case of the exemption from penalty of termination of pregnancy of a girl under the age of 14, protection of the best interests of the future child is again the main consideration, in that the legislator deems them not to be guaranteed in the case of a mother under the age of 14.

83. Apart from the provisions regarding termination of pregnancy, the Liechtenstein Penal Code contains other provisions that are relevant to article 6 of the Convention. Thus, both abuse and abandonment of a child or adolescent, and also sexual abuse, are liable to prosecution. Whoever through malice or carelessness overstrains a child or adolescent and thereby exposes him to the risk of death or considerable physical injury or damage to health, even if only by negligence, commits an offence. Exposure, substitution or killing of a child at birth are also liable to prosecution. In addition, the general provisions of the Penal Code on offences that endanger life and physical integrity also apply.

84. Mention should be made in this connection of the planned Asylum Act, which provides for the possibility of enacting supplementary provisions concerning the asylum procedure for women, unaccompanied minors and victims of torture which take into account the mental state and age of these persons (see sect. H.1 (a)).

4. Respect for the views of the child (art. 12)

85. The right to freedom of opinion is enshrined in Liechtenstein's Constitution. Under the terms of the European Convention on Human Rights everyone, without limitation as regards age, has the right to be heard before a court. This principle is also embodied in Liechtenstein's penal and civil procedure codes. (For further information see sect. H.2.)

86. The General Civil Code provides that before rulings which relate to the care or upbringing of a child, the court has to hear the child in person. Up to the age of 10 the questioning of the child may also be carried out by the Children's and Youth Service or in some other suitable way. The court may refrain from hearing the child only if the questioning, or a postponement of the ruling, would jeopardize the well-being of the child or if, in view of the age or development of the child, an expression of an opinion cannot be expected.

87. The purpose of hearing the child is to broaden the court's basis for taking a decision and to improve the information available to the judge. The court does not, however, have an obligation to give effect to the views of the child. Practice has shown that with increasing age, the views of the child take on greater importance. Occasionally, the problem arises in hearings that the child interprets the right to be heard differently, and accordingly is not able to understand decisions of the court.

88. Where education is concerned, a child who has passed his fourteenth birthday has the opportunity of applying to a court when he has unsuccessfully presented to his parents his views regarding his education. After carefully weighing the arguments put forward by the parents and the child, the court is required to make a ruling consistent with the best interests of the child.

89. An example of the possibility of schoolboys and schoolgirls obtaining a hearing for their requests is provided by the pupils' organization in Liechtenstein's secondary school. This organization is represented at the organizational meetings of the teaching staff, and it is thus able to influence decisions by presenting the views of the pupils.

90. In relation to the issue of taking the views of children and adolescents into account in political life, it must first be pointed out that the active and passive voting and electoral rights of adolescents in Liechtenstein are guaranteed from the attainment of their twentieth birthday. Reduction of the age of majority and the voting age to 18 was rejected by a majority of Liechtenstein's citizens in a referendum in 1992. At the same time, children and adolescents in Liechtenstein nevertheless have the possibility of bringing a request to the attention of political decision-making circles at the national level on the basis of the right of petition guaranteed by the Constitution. A petition is, as a rule, addressed to the parliament, and may be signed by any person resident in Liechtenstein. Liechtenstein's small size means that signatures can be collected by means of relatively simple organizational measures, and this contributes to the attractiveness of this means of expressing political views.

91. At the communal level, the primary political forum for concerns of adolescents is the youth commission. Currently, although the Youth Act makes provision for this, no adolescents are members of communal youth commissions. The problem here is that the ability of adolescents to make a long-term commitment is often limited, and that in general they have difficulties with committee work. Accordingly, an effort is being made to achieve greater involvement of adolescents in the work of the youth commissions.

D. Civil rights and freedoms

1. Name and nationality (art. 7)

92. On ratifying the Convention, Liechtenstein entered a reservation to article 7 reading as follows: "The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions." Since then, the relevant legislation has been amended to the effect that Liechtenstein nationality can be conferred on the child by the mother as well as by the father. If, however, both father and mother are stateless, the child born in Liechtenstein will also be stateless. Accordingly, the issue

of whether the domestic requirements for withdrawal of the reservation can be created if Liechtenstein accedes to the Convention on the reduction of Statelessness of 30 August 1961 is currently under study.

93. The Persons and Companies Act regulates the entry in the birth register of children of unknown as well as known descent. All persons who either possess Liechtenstein nationality or were born in Liechtenstein or whose mother at the time of the birth was resident in Liechtenstein are entered in the birth register. In principle, every birth must be notified to the registrar within three days. The reporting obligation rests with the administrator of the hospital in which the child was born, the doctor, the midwife or any other person present at the birth, and finally also with the father or mother, provided they are capable.

94. Where descent is known, in addition to the first name and surname of the child the surname, first name, profession, home and residence of the parents, inter alia, are also entered in the birth register. If the first name of the child has not been decided upon at the time of notification, it is required to be notified subsequently, within at most one month form the birth. The name of a child of unknown descent is decided upon by the mayor in whose commune the child was found. The right of children born in or out of wedlock and adopted children to a surname is embodied in the General Civil Code.

95. Giving a first name forms part of the rights and duties of the parents with respect to their child. The parents are accordingly under an obligation jointly to give the child a first name. If they do not discharge this obligation, for example because they cannot agree on a first name, the well-being of the child is jeopardized. Under the terms of the General Civil Code, parental custody can be partially withdrawn in such cases. The court then issues the relevant order so that the child will be given a name.

96. Under Liechtenstein's Persons and Companies Act, changes in what are termed the birth rights, such as adoption, are entered in the register of births. The descent from the physical parents remains on record thereafter, and can be made known to the adopted child on the basis of his right to inspect the register of births.

97. Under the provisions of the General Civil Code, mothers of children born out of wedlock have the right not to disclose the name of the father. In such cases, the Children's and Youth Service is required to bring their attention to the consequences if paternity is not established. The Children's and Youth Service can also be designated to serve as trustee for a child born out of wedlock in order to represent his interests in connection with the recognition of paternity.

2. Preservation of identity (art. 8)

98. Under Liechtenstein's legal system, the legal principles relating to intervention by the State provide that it should be oriented towards the best interests of the child (see the comments on article 3). The right to identify is also protected in Liechtenstein by the (unwritten) basic right to personal liberty. Components of identity (nationality, name, etc.) are in addition covered by the European Convention on Human Rights, which prohibits unlawful intrusions into private and family life. The Penal Code also contains a provision relevant to the preservation of the

identity of a child. Under its terms, the penalty for substitution of a child, that is to say an act designed to create the false impression that a child is the natural child of a person, is imprisonment for up to one year.

99. Under the terms of the General Civil Code, the purpose of adoption is in principle to serve the well-being of an adoptee who is not legally competent. If the adoptee is legally competent, a justifiable application by the adopter or the adoptee is required. An adoptee who is not legally competent, from his fifth birthday onwards, the parents of an adoptee who is of age, the foster parents or the head of the home in which the adoptee is housed and the Children's and Youth Service have the right to be heard. In the case of adoption, the adoptee takes the family name of the adopter. If spouses jointly adopt a child or one spouse adopts the natural child of the other, the child takes the common family name, or in the absence of a common family name the family name of the father. In the case of divorce, the resumption of an earlier name by the divorced spouses does not affect the family name of the joint children.

3. Freedom of expression (art. 13)

100. The right to freedom of expression is enshrined in the Constitution of Liechtenstein. According to the European Convention on Human Rights, freedom of expression includes the right to freedom of opinion and freedom to receive and impart news or ideas without the interference of public authorities and without regard for national borders. This right can be subject to legally prescribed limitations which are necessary in the interests of national security, territorial integrity or public safety, the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. Liechtenstein's Youth Act takes account of these criteria in terms of youth protection, in that the right to receive communications or ideas is restricted when impacts detrimental to morals or with a brutalizing effect are to be feared or expected. Similarly, under the terms of Liechtenstein's Penal Code, indecent and brutalizing publications are liable to prosecution. The intended increase in the strictness of the penal law relating to racist activity and propaganda should also make publicly expressed racist statements liable to prosecution.

4. Access to appropriate information (art. 17)

101. As part of free expression in word, writing, print or pictorial representation, freedom of information is enshrined in Liechtenstein's Constitution. In the Youth Act, the State undertakes, in the context of care for juveniles, to promote the film and media education of children and adolescents through financial and technical support and counselling. Simultaneously, the Youth Act provides, in the area of juvenile protection, that films and television transmissions may be publicly shown to children and adolescents only if they are approved for the respective age groups. Books, written materials, illustrations, posters, films, audio tapes, gramophone records, video cassettes and other items likely to have a demoralizing or brutalizing effect on children and adolescents may not be offered, sold, shown or made available to them. The corresponding penal provisions are found in the Penal Code, in the articles dealing with moral endangerment of minors and adolescents and with indecent and brutalizing publications.

102. For the purpose of monitoring the juvenile protection provisions in the media sphere, the Government issued in 1985 guidelines for the rental and sale of audio-visual media, which also apply to the rental and sale of video and computer games. Responsibility for implementing these guidelines rests with the commune and national police and the Children's and Youth Service. The guidelines impose on all persons renting or selling such items an obligation to report all the titles they have on offer. These are classified by the Children's and Youth Service as appropriate for a given age group or as prohibited for rental or sale to children and adolescents (indexed). Indexed titles have to be offered in separate rooms not accessible to children and adolescents. Persons renting or selling indexed titles are required to certify by signature that they have been expressly notified that the titles must not be passed on, made accessible, sold or shown to children and adolescents, and that violations will be prosecuted.

103. In view of the rapid development of information technologies, a new conception of media education was developed in 1997. It moves the focus of protection of juveniles in the media sphere from repressive measures to counselling, information and instruction, with increased involvement of educators. Apart from an updating of the above-mentioned guidelines on audio-visual media, there are also plans for the development of positive lists (titles of special educational value) and of a brochure addressed to parents and adolescents on handling the media, as well as the establishment of self-help groups for interested and affected parents. There is also to be greater cooperation with schools, where media studies are conducted in special classes designed for the purpose. The curricula for media studies are also currently being revised in order to take into account the advances in information technology.

104. The youth newspaper "Flash", produced by young people and published by the Association of Liechtenstein Youth Workers, serves as a channel of communication from adolescents for adolescents. In order to take into account the interests and needs of children and adolescents, the two daily newspapers that appear in Liechtenstein also carry a special weekly children and youth page. Issues relating to education are also covered in the two daily newspapers and in the weekly free newspapers. Special youth newspapers are available in Liechtenstein, as in the neighbouring regions. Radio and television broadcasts from abroad especially designed for children and adolescents can be received in Liechtenstein. The only radio broadcasting station in Liechtenstein also addresses various programmes predominantly to children and adolescents.

5. Freedom of thought, conscience and religion (art. 14)

105. The Liechtenstein Constitution guarantees freedom of belief and conscience to "everyone", and thus also to children. In addition, it guarantees civil and political rights regardless of religious confession. The European Convention on Human Rights also guarantees freedom of thought, conscience and religion and prohibits discrimination on grounds of religious affiliation.

106. Simultaneously, the General Civil Code gives parents the right and the duty to provide guidance for the child taking into account his inclinations, skills, and likes and dislikes (including religious conviction). Up until the child's fourteenth birthday the parents, or the

guardian as the child's legal representative, have in the context of general custody the right to decide the child's religious education. On grounds of freedom of religion, it is possible to opt out of religious education in the public schools.

107. Counselling and preventive education on dealing with religious sects that endanger the health and development of adolescents are conducted primarily in the context of religious education in the schools.

6. Freedom of association and of peaceful assembly (art. 15)

108. Freedom of assembly in Liechtenstein is guaranteed by the Constitution. The European Convention on Human Rights also guarantees freedom of association and assembly, subject to legally prescribed limitations that are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

109. The General Civil Code acknowledges a limitation on this right to protect health and morals in the context of parental custody. Under its terms, minor children have to follow the instructions of their parents in the custody setting, while the parents have to take into account in their instructions and their implementation the age, development and personality of the child. In the interests of protection of juveniles, the Youth Act also contains some relevant limitations, particularly the general regulation of presence in public places and the provisions relating to frequentation of public houses. In all of these limitations, protection of the well-being of the child is in the foreground.

7. Protection of privacy (art. 16)

110. The protection of privacy, in particular of the secrecy of correspondence and writing, is guaranteed in Liechtenstein under the Constitution. In addition, the European Convention on Human Rights provides that everyone is entitled to respect for his private and family life, his residence and his correspondence. This protection against State intrusion on privacy is afforded without limitation as to age. The European Convention also establishes that on the attainment of marriageable age, men and women have in accordance with the relevant national legislation the right to enter into marriage and raise a family.

111. As in the case of freedom of association and assembly, the right to privacy is modified with respect to children and adolescents by the right and duty of parents with respect to their care and upbringing. Third parties may interfere with these parental rights only insofar as this is permitted by the parents themselves, by direct application of the law or by means of an official order. This provision serves directly to protect family life.

112. The autonomy of the family is also protected in Liechtenstein where the child's obligation to attend school is concerned. Thus, the Education Act offers the possibility of fulfilling this obligation through participation in private education. A prerequisite for this is that the private education should be at least equivalent in value to that offered by a public school and

that the teaching staff of the private educational institution should be approved by the Board of Education. Private education, as individual education, is subject to the obligation to submit the annual certificate of educational advancement.

113. The privacy of children and adolescents is also protected by the provision in the Juvenile Court Act to the effect that when the police are involved in juvenile criminal proceedings, adolescents may not be accompanied by uniformed police officers. In addition, the Juvenile Court Act provides that in juvenile criminal proceedings the public may be excluded from the summing up and the pronouncement of sentence if this is in the interests of the adolescent. In such cases, public reporting on the course and content of the summing up is prohibited. Where public reporting is permitted, the name of the adolescent may not be stated or made known by allusion.

114. The obligation of secrecy imposed on members of the medical professions in the Health Act (LGBl. 1986 No. 12) applies also to personal information disclosed to them in the exercise of their profession by adolescents. Likewise protected are data on adolescents that are obtained by the police. The National Police Act (LGBl. 1989 No. 48) establishes in this connection the principle of confidentiality of such data. Insofar as the National Police Force is not hindered in its work, access is afforded, as a rule, only to the person concerned.

115. Under some circumstances, violation of the personal integrity of children and adolescents may be liable to prosecution. The Penal Code contains in this respect provisions concerning punishable offences against honour. Thus, anyone who, in such a way that it may be perceived by a third person, accuses another of possessing a contemptible character or attitude or of behaviour contrary to honour or to public morals and of such a nature as to make him contemptible or otherwise lower him in public esteem, is liable to punishment. Similarly liable to prosecution is anyone who, in such a way that it may be perceived by a third person, insults, mocks, mistreats or threatens with ill-treatment another person.

8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

116. Liechtenstein is a party both to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (LGBl. 1991 No. 59) and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987 (LGBl. 1992 No. 7). The prohibition of torture is also enshrined in the European Convention on Human Rights, which likewise prohibits inhuman or degrading treatment.

117. Liechtenstein's first report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was examined by the Committee against Torture at its 195th and 196th meetings on 10 November 1994. The Committee, inter alia, noted with satisfaction that the measures taken by the Liechtenstein authorities to prevent torture and other cruel, inhuman or degrading treatment had been successful, and that neither the State authority nor a non-governmental organization had identified the existence of torture as defined in article 1 of the Convention.

118. In the context of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Liechtenstein's arrest procedures and prison conditions were also examined in depth in 1993 by the European Committee for the Prevention of Torture. The report of the Committee was published in May 1995 along with the comments of the Government of Liechtenstein. In August 1995 the Committee was informed of the measures taken to implement its recommendations. These include, in particular, an increase in staffing in order to improve the round-the-clock (24 hours a day) care of prisoners and an extension of the legally prescribed minimum visiting hours. The Convention provides for further visits by the Committee.

119. The death penalty was abolished in Liechtenstein in 1989. The Penal Code prohibits the imposition of a life sentence on a person who at the time of the offence had not yet reached the age of 20.

120. With respect to the family environment, the General Civil Code provides that a minor child must obey the instructions of his parents. At the same time, however, it makes it clear that the use of violence and the causing of physical and mental suffering in implementing the instructions are not permissible. The Educational Regulations prohibit corporal punishment at all levels of education.

121. The phenomenon of increasing violence among children and adolescents is also apparent in Liechtenstein's schools. Through external counselling, an effort is being made to train the teaching staff to deal with this development. Educational and preventive action among schoolchildren of both sexes takes place primarily in civics and religious instruction classes.

E. Family environment and alternative care

1. Parental guidance (art. 5)

122. The relationship of parents to their children is regulated by the General Civil Code. Parents are required to see to the upbringing of their minor children, and in general to promote their well-being. Parents and children are required to remain together, and children have to show respect to their parents. Third parties may intervene in parental rights only to the extent that this is permitted by the parents themselves, by the direct application of the law or by means of an official order.

123. The General Civil Code also regulates guardianship. A guardian is required to be appointed for a minor when there is not at least one person entitled to limited legal representation of the child within the framework of custody. Caring for and bringing up the minor are the responsibility of the guardian. The guardian is nevertheless required, unless otherwise provided for by law, to obtain court approval in relation to important matters affecting the person of the child. These include, for example, changing the first name, joining or leaving a church or religious community, premature dissolution of an apprenticeship, educational or employment contract or acknowledgement of the paternity of a child born out of wedlock. Similarly subject to court approval is representation in certain property affairs such as, for example, renunciation of the right to inherit, unconditional acceptance or refusal of an inheritance, or in certain legal matters such as, for example, the institution of proceedings.

124. Foster parents exercise their rights on the basis of an authorization by the persons directly responsible by law for the child's upbringing or by the Children's and Youth Service. The court is required to transfer to foster parents, on their application, custody of a child, entirely or in part, when a relationship exists that is similar to the relationship between natural parents and children, the foster relationship is not intended to last only for a short time and the transfer is in the interest of the child's well-being. The regulations relating to custody then apply to the foster parents. The transfer has to be revoked if this is in the interests of the child's well-being. At the same time, the court is required, in the light of the requirements of the child's best interests, to indicate to whom custody is to be transferred.

2. Parental responsibilities (art. 18, paras. 1 and 2)

125. The General Civil Code provides that both parents have rights and duties with respect to the child, and should in bringing him up promote his best interests. In exercising the rights and performing the duties, the parents have to act in agreement. In the absence of agreement, the parent who is the head of the household in which the child lives has the primary entitlement and responsibility to care for the child. In principle, that parent also has the sole entitlement and duty to represent the child in matters requiring representation, and his or her representation has legal effect even if the other parent is not in agreement with it. Important acts of representation and authorizations by one parent, relating for example to change of the first name, joining a religious community, transfer to the care of others or premature dissolution of an educational contract, nevertheless require the consent of the other parent in order to take legal effect. The same applies to representation in property matters that do not form part of ordinary economic activity.

126. Custody of an illegitimate child is solely the responsibility of the mother. On the application of both parents, however, the court must order that they should have joint custody of the child if they are living in a permanent household with the child and the order is not detrimental to the child's well-being.

127. The establishment of child-care facilities and institutions, including private ones, of an educational nature (for example, leisure facilities and youth counselling offices) is promoted by the State under the terms of Liechtenstein's Youth Act.

3. Separation from parents (art. 9)

128. The provisions of the General Civil Code provide the background for State intervention in the rights of parents. Under its terms, third parties may interfere with parental rights (care, upbringing, administration of property) only insofar as they are permitted to do so by the parents themselves, by direct application of the law or by means of an official order. Such an order, namely the withdrawal or restriction of parental custody, requires a factual situation of endangerment of the child's best interests, and may go only so far as necessary in order to ensure those interests. If steps urgently need to be taken in the interests of the child's best interests, the court can, on the application of the child concerned, replace the consent of the parents by an authorization, if the interests of the parents, insofar as they do not agree, are not unreasonably impaired.

129. If the court annuls the marriage of the parents of a minor legitimate child, or declares them separated or divorced, the parents may submit to the court an agreement as to which of them shall in future have sole custody of the child. If this agreement is not in conformity with the interests of the child's well-being, the court must decide which parent will in future have sole custody of the child. The parent not assigned responsibility for the care and upbringing of the child is guaranteed the right to personal contact with the minor child, again consistent with the best interests of the child. This right can be withheld in particular when the child's relationship with the parent with whom he/she is growing up would be intolerably disturbed

130. Prior to the issuance of orders with respect to the care and upbringing of a child, the court is required to hear the child in person, and a child who has not yet reached the age of 10 may also be interviewed by the Children's and Youth Service or in another appropriate manner. This right to a hearing can be disregarded only when its exercise would jeopardize the best interests of the child or when because of the child's age or development no expression of an opinion is to be expected. The entitlement of the other parties in the proceedings to a court hearing is guaranteed by the European Convention on Human Rights. In divorce proceedings involving the parents, the child currently still has no right to be heard. Liechtenstein's accession to the European Convention on the Exercise of Children's Rights of 25 January 1996, which is currently under examination, would strengthen the procedural rights of the child in family law cases.

131. In the case of adolescents charged with an offence, the Juvenile Court Act provides for the possibility of detention pending trial, which in principle should be imposed only in exceptional cases, being replaced where appropriate by residence with the family.

4. Family reunification (art. 10)

132. Because of the high proportion of alien residents (37.6 per cent at the end of 1996) and the small size of the country, the issue of family reunification occupies an important place in Liechtenstein's immigration policy. On the basis of the close relationship with Switzerland based on the Customs Treaty and the integration into the European Economic Area, a distinction is made in this connection on the basis of the origin of the alien population. The relevant provisions regarding accompaniment by family members are contained in the Ordinance on Limitation of the Number of Aliens in the Principality of Liechtenstein (LGBl. 1995 No. 87) and the Ordinance on Movement of Persons within the European Economic Area (LGBl. 1995 No. 88), the underlying purpose of which is to strike an appropriate balance between the proportions of Liechtenstein nationals and aliens in the country. An appropriate ratio is regarded as being at most one-third foreigners within the overall population. Family reunification will also be regulated in the planned Asylum Act. Under its terms, spouses of recognized refugees and their minor children will be granted asylum if the family was separated during the flight and wishes to be reunited in Liechtenstein. The first reading of this act in the Landtag has been completed (see sect. H.1 (a)).

133. Swiss nationals and nationals of States of the European Economic Area in possession of a residence or domicile permit are able to have their nuclear family brought to joint them in Liechtenstein immediately, if they can provide evidence of suitable accommodation and sufficient income. Adolescents qualify as family members under this arrangement until they have reached the age of 21 or for as long as they are provided with support. Students from these

countries can bring with them their children for whom they are providing support. For nationals of European Economic Area countries seasonally employed (for nine months) in Liechtenstein who bring their families with them for this period, a provision has been in effect since 1 January 1998 whereby their seasonal authorization is preferentially converted into a residence permit if, after they have brought their family with them, the return of children required to attend school to their home country would lead to unreasonable hardship.

134. Stricter provisions apply to persons from other States. Among other things, apart from evidence of suitable accommodation and sufficient income, four years of regular uninterrupted residence in Liechtenstein or conversion of the seasonal authorization to an annual residence permit is required. Seasonal workers, short-term residents and students cannot bring their families with them. The spouse and children under the age of 16 qualify as family members.

135. By reason of this domestic legal situation, when Liechtenstein submitted the instrument of ratification it entered a reservation with regard to article 10 of the Convention reading as follows: "The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which family reunification for certain categories of foreigners is not guaranteed." As long as the pressure of immigration does not decrease and no appropriate ratio prevails between Liechtenstein nationals and the alien population, Liechtenstein will be unable to change the domestic legal situation to an extent that would permit withdrawal of the reservation. However, in the opinion of the Government of Liechtenstein, this reservation does not contradict the objective and purpose of the Convention.

136. Nationals of Liechtenstein and persons with a residence or domicile permit can travel to Liechtenstein at any time. There are no restrictions on travel out of Liechtenstein, though exceptions are possible in the case of ongoing proceedings under penal law or family law. A child, one of whose parents lives outside Liechtenstein, thus has the possibility of regular personal contact.

5. Recovery of maintenance for the child (art. 27, para. 4)

137. Primary responsibility for the maintenance of legitimate and illegitimate children rests with both parents. The General Civil Code specifies in this connection that the parents shall to the best of their ability contribute pro rata to meeting the needs of the children as appropriate to their standard of living, taking into account the child's talents, abilities, inclinations and possibilities of development. Entitlement to maintenance decreases to the extent that the child has his own income or, taking into account his standard of living, is able to support himself. Where the parents are to the best of their ability not in a position to provide maintenance, the grandparents shall provide maintenance in line with the child's needs as appropriate to the standard of living of the parents. The law contains no provisions relating to the amount of pocket money.

138. For the establishment or exercise of the child's entitlement to maintenance, and where necessary for the establishment of paternity, the Children's and Youth Service acts as the child's special representative, as long as the written consent of the legal representative is forthcoming. The Children's and Youth Service can submit applications for payment of maintenance or

conclude and certify related agreements. Such agreements have the effect of a judicial arrangement. The amount of maintenance payments depends, as a rule, on the age of the child and the income situation of the person responsible for making the payments.

139. Under the terms of Liechtenstein's Maintenance Advances Act (LGBl. 1989 No. 47), under certain conditions the State pays advances on the maintenance of children as provided for by law. Children entitled to maintenance who have their residence in Liechtenstein are entitled to advances. There is no entitlement if the child lives in a common household with the person liable to pay maintenance or, on the basis of a court order or other official order, is placed in a children's home or with foster parents.

140. Liechtenstein's Penal Code specifies penalties for anyone who by gross breach of his obligation to provide maintenance creates a situation in which the maintenance or upbringing of the person entitled to maintenance is jeopardized, or would be jeopardized in the absence of assistance from elsewhere.

141. Liechtenstein is a party to the Convention concerning the law applicable to maintenance obligations towards children of 24 October 1956 (LGBl. 1973 Nos. 12 and 27) and the Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children of 15 April 1958 (LGBl. 1972 No. 55). These conventions facilitate the assertion of maintenance claims at the international level.

6. Children deprived of a family environment (art. 20)

142. If a child is removed from his family, under the terms of the General Civil Code the court is required to make provision for appropriate accommodation, and custody can be assigned in full or in part to the Children's and Youth Service if accommodation by relatives or other suitable persons close to the child is not possible. The Children's and Youth Service can in turn assign custody to third parties, namely to foster parents (foster care) or institutions (custodial care). If at the time of birth, legal representation is not incumbent upon either parent of a child, the Children's and Youth Service becomes the guardian of the child until otherwise decided by the court. The same applies to foundlings.

143. The Youth Act provides that the Children's and Youth Service should provide counselling for the persons legally responsible for care and regularly monitor the foster location and the foster care. The court is required to transfer custody entirely or partly to foster parents, at their request, if a relationship similar to that between natural parents and children exists, the foster relationship is intended not to last only for a short time and the transfer is conducive to the well-being of the child. Before taking its decision the court is required to hear the parents, the legal representative, the foster parents, the Children's and Youth Service and, in any event, the child if he has attained the age of 10.

144. The Youth Act defines institutional care as the accommodation of children and adolescents who are neglected or in danger of neglect in institutional facilities of a therapeutic nature. In order to establish neglect, a specialist medical opinion is required. The Children's and

Youth Service is responsible for regularly monitoring the place of care and the institutional care provided. In addition, it prepares persons in institutional care for discharge, and provides follow-up care for them.

145. There is in Liechtenstein one facility for the institutional care of adolescents, the Socio-Educational Youth Residential Group. This is a fully-staffed residential group for adolescents between the ages of 14 and 20 with a wide range of special characteristics in terms of their social and educational behaviour and the development of their personality. The care provided promotes individual development of the personality and accompanies the group process. The small number of adolescents requiring care (4-6) means that the residential group is a family-type environment and, through graduated care, affords the possibility for progressive development of greater individual responsibility. Only in particularly difficult cases in which the behaviour of an adolescent constitutes a major disruption of the residential group is recourse had to the possibility of temporarily accommodating an adolescent in a larger facility in a neighbouring country.

7. Adoption (art. 21)

146. For cases of adoption, the General Civil Code prescribes a written contract between the adoptive parents and the adopted child, which must be authorized by the court at the request of one party to the contract. In the case of adopted children who do not have the capacity to act for themselves, this contract is concluded through their legal representative, who does not require the consent of the courts to act for them. In principle, a minimum age of the adoptive parents (father 30, mother 28) and a minimum age difference of 18 years between them and the adopted child are required for adoption.

147. Although a mother can release a child for adoption immediately after birth, the practice of the courts is to require a six-week interval. Upon expiry of this period, the court draws up a two-year contract between the adopted child and the prospective adoptive parents. The Children's and Youth Service is responsible for selecting the prospective adoptive parents and for supervising the foster relationship until adoption has taken place. After two years, adoption is authorized if a relationship similar to that between natural parents and children exists. Adoption must serve the well-being of adopted children who do not have the legal capacity to act for themselves.

148. If an adopted child has the legal capacity to act for himself, a justifiable request on the part of the adoptive parent or the adopted child is required. In addition, authorization may in principle be granted only if the parents of a minor adopted child and, where appropriate, the spouse of the adoptive parent give their consent; denial of consent may be overruled by the court if there are no justifiable grounds for such denial. An adopted child who has attained the age of five, the parents of an adopted child who is of age, the foster parents and the person in charge of the children's home in which the adopted child is resident, as well as the Children's and Youth Service, have the right to a hearing. If the maintenance or upbringing of a natural child of the adoptive parent would be endangered by the adoption, authorization will not be granted.

149. As a result of adoption, the child acquires the legal status of a natural child, including the right of nationality. With the amendment of the Nationality Act in 1996, the maximum age for

acquisition of nationality through adoption was raised from 7 to 10. If the adoptive father or adoptive mother possesses Liechtenstein nationality, a foreign adopted child acquires nationality through adoption as long as he has not reached his tenth birthday at the time of adoption.

150. The provisions regarding local adoption also apply to international adoptions. Liechtenstein acceded in 1981 to the European Convention on the Adoption of Children of 1967 (LGBl. 1981 No. 58), the purpose of which is to harmonize the various national legislations relating to adoption of children. This convention, too, provides that the well-being of the child is the guiding principle in approval of adoption. In the case of international adoptions, the Children's and Youth Service assumes on behalf of the authorities of the adopted child's home country the responsibility for ascertaining the suitability of the adoptive parents. There are no adoption agencies in Liechtenstein. Parents interested in adopting therefore apply to adoption agencies in neighbouring countries.

151. Roughly 0-1 national adoptions and 5-10 international adoptions take place in Liechtenstein each year.

8. Illicit transfer and non-return (art. 11)

152. Offences against the freedom of children and adolescents, namely abduction and removal from the authority of the persons legally responsible for bringing up the child, are dealt with in Liechtenstein's Penal Code. Since a small country like Liechtenstein is dependent on the possibility of being able to pursue the abduction of a child beyond the State border, Liechtenstein has ratified the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (LGBl. 1997 No. 110). This convention facilitates the recognition and enforcement of custody decisions and the application of custody decisions following illegal detention of minors.

9. Abuse and neglect (art. 19), including physical and psychological recovery and social integration (art. 39)

153. With regard to the exercise of parental custody, the General Civil Code makes it unambiguously clear that the use of violence and the infliction of physical and mental harm are not permissible. In cases where the best interests of a child are jeopardized by the parents or grandparents, the court, whomever makes application to it, is required to make the necessary arrangements. Depending on the degree of endangerment, the court can entirely or partly transfer custody or order the total removal of the child from his former environment.

154. Liechtenstein's Penal Code establishes penalties for abusing or neglecting minors or defenceless persons. Anyone who engages in physical or mental abuse of another person who is under his care or protection and has not yet attained the age of 18, or because of infirmity, illness or mental deficiency is defenceless, is punishable by imprisonment for up to two years. Penalties also apply to anyone who grossly neglects his obligation to care for or protect such a person and thereby substantially impairs, even if only through negligence, the health or physical or mental development of that person. The offence is punishable by imprisonment for up to three years if

it results in serious bodily harm, imprisonment for up to five years if it results in bodily harm with severe and lasting consequences, and imprisonment for up to 10 years if it results in the death of the victim.

155. Further penalties designed to protect children and adolescents apply to abandonment of a minor, breach of the obligation to provide maintenance and neglect of the care, upbringing or supervision of minors which renders them defenceless. Sexual abuse of children by the persons entitled to bring them up, or which involves abuse of a position of authority, is also liable to punishment.

156. Preventive measures at the administrative level are included in the Youth Act among the provisions relating to assistance to juveniles. They include inter alia, counselling of children and discussions between the Children's and Youth Service and persons legally responsible for the child's upbringing (or employers) in cases where the best interests of a child are jeopardized. The Youth Act places anyone who has knowledge of the endangerment of a child or adolescent to report without delay to the Children's and Youth Service or to another national or communal authority. If the Children's and Youth service or the Youth Council learn of offences committed by adolescents or adults against children and adolescents, they are under an obligation to notify the public prosecutor. Doctors have in principle no obligation to report, but a right to do so. In such cases, the doctor may apply to the judge to be released from the doctor's obligation of confidentiality.

157. The authorities are aware of few cases of abuse, neglect or sexual abuse. That does not necessarily mean, however, that there are fewer cases than in neighbouring countries, but that the high level of social control exercised in a small country, that is to say fear of not remaining anonymous, leads to a certain number of cases going unreported. Cases become known because the family itself seeks counselling or when neighbours, kindergarten staff or teachers notify the Children's and Youth Service.

158. A contribution to prevention is also made by the help telephone, which is staffed round the clock by a team of volunteer counsellors and is financed by means of voluntary contributions. The calls received by the counsellors can, as a rule, be classified into the problem areas "parents" (unjustified prohibitions, fear of punishment, divorce), "pregnancy among minors", "friendship and partnership problems" and "children with a violent parent".

159. In 1997 a wide-ranging campaign on "Violence against women in marriage and partnership" was conducted in Liechtenstein. Its aim was to create awareness of violence in the home as a social problem. Since violence against women in marriage also affects children, the Liechtenstein Women's Shelter, which is financially supported by the State, offers both women and children protection against violent husbands and fathers. Consideration is currently being given to the introduction of a right of expulsion, which would afford the police the possibility of removing violent men from the common home in the absence of a formal complaint by the woman. This would enable the woman and in particular the children to remain in the familiar environment, rather than facing the additional burden of having to seek protection in the Women's Shelter.

160. In 1994, as a result of the exhibition "No safe place" organized, inter alia, by the Association for the Protection of Abused Women and Children, the subject of sexual exploitation of children and adolescents ceased to be a taboo issue and became the subject of extensive discussion. Recently, a case of sexual abuse of children and adolescents by a teacher shocked the public in Liechtenstein and heightened awareness of this issue.

161. There is as yet no legal basis in Liechtenstein for punishment of sexual exploitation of children which is committed abroad. The relevant legal basis is to be established in the context of the planned amendment of the law on sexual abuse. It is also planned to extend the time before the statute of limitations becomes applicable to sexual assault, and thus to improve the protection of victims of sexual abuse. In addition, the penalties for sexual acts with minors are to be increased.

162. Assistance to victims of offences is not explicitly regulated in Liechtenstein, that is to say is not covered by a specific legislative provision. On the other hand, the Youth Act creates, in the context of assistance to juveniles, possibilities of assisting children in "special life situations", in particular through provisions that provide for assistance to endangered and handicapped children and adolescents and special assistance to children with physical and mental disabilities. Assistance to victims in a comprehensive sense is provided by the institutional care facilities provided for in the context of the legislation on guardianship and of social welfare and insurance. Therapeutic assistance and counselling are provided by the Office for Social Services (the Children's and Youth Service, the Therapeutic Service) and private psychiatrists. Their services are covered by the compulsory health insurance.

163. The Counselling Centre for Parents, Children and Adolescents is also active in out-patient psychiatric care of children and adolescents and their families. The focus of treatment is shaping of the child's social and educational environment. The costs of the Counselling Centre are borne by a private foundation which receives financial support from the State. The Counselling Centre's services are covered under the compulsory health insurance.

164. Financial compensation of a victim is claimed against the person at fault under civil law, either through association as a private party with criminal proceedings or by means of a civil law suit. If the perpetrator is ordered to pay compensation in criminal proceedings, he also bears the cost of representation of the private party, and hence the legal costs of the victim. In civil proceedings the legal costs are borne in full by the losing party if the victim wins. Otherwise, if the victim loses, he bears his own costs, unless he has been awarded legal assistance on grounds of poverty.

10. Periodic review of placement (art. 25)

165. Under the terms of the General Civil Code, the court issues the necessary orders, for example to annual parental custody rights and ensure placement elsewhere when appropriate in order to protect the best interests of the child. Although Liechtenstein law makes no express provision for the obligation to review such arrangements, this obligation arises out of the provision that custody may be limited by court order only to the extent necessary in order to ensure the best interests of the child. Both in the case of foster care (placement and care of children and adolescents outside their parents' home) and in the case of institutional care

(placement of children and adolescents in educational facilities of a therapeutic nature), the Youth Act assigns to the Children's and Youth Service the obligation of regular review of placement.

F. Basic health and welfare

1. Survival and development (art. 6.2)

166. Health care in Liechtenstein offers a multitude of services aimed at ensuring the survival and healthy development of newborn and older children and adolescents. The services extend from the prenatal period through birth to all subsequent phases of child development, and include protective vaccinations, routine health checks and specialized paediatric care. The most important legal basis is the Health Care Act (LGBl. 1986 No. 2), which regulates the organization of the health-care system, public health care and the health-care professions.

167. The financing of the health-care system in Liechtenstein is based, on the one hand, on State participation and, on the other, on the system of private health insurance. The State bears or participates in the cost of hospitals, clinics and other institutions in the health-care system, and pays contributions to insurance companies recognized by the State. The latter are, under the terms of the Health Insurance Act (LGBl. 1971 No. 50), under an obligation to insure all persons resident or employed in Liechtenstein (with the exception of cross-border commuters) in respect of basic health care. The medical services required to be covered as part of the compulsory basic care are specified in the Health Insurance Act and the Health Insurance Act Regulation (LGBl. 1989 No. 52). They include, inter alia, birth attendance by doctors and midwives as well as the necessary examinations during pregnancy and within 10 weeks following delivery, protective vaccinations and a preventive medical examination programme for nursing children and small children up until the age of four (see also sect. F.3).

168. Job protection of pregnant women and nursing mothers was developed in the context of the amendment of the Labour Act conducted in 1996. The amended Labour Act obliges employers to employ pregnant women and nursing mothers and arrange their working conditions in such a way that their health and the health of the child are not impaired. Nursing mothers are to be allowed the necessary time for breastfeeding without loss of earnings. In addition, the amended Labour Act provides for the possibility of prohibiting, by official order, the employment of pregnant women and nursing mothers on heavy or dangerous work, or of making such employment dependent on specific conditions. This includes, for example, work that requires constant standing, work that involves frequent stretching and bending, or work entailing an increased risk of accident or illness (risk of infection).

169. Mothers of newborn children may not be employed for eight weeks after delivery. Pregnant women who are already employed may, under the terms of the General Civil Code, not be dismissed during pregnancy or the 16 weeks following delivery. Under the terms of the amended Health Insurance Act, such women are entitled to payment of a sickness benefit for 20 weeks, at least 16 of which must be following delivery. The sickness benefit amounts to at least 80 per cent of the regular earnings of the insured person, on condition that she has been a participant in a health insurance scheme for at least 270 days without interruption for more than

three months. Mothers of newborn children who have no entitlement to payment of a sickness benefit under the compulsory health insurance are awarded under the Act on the Payment of a Motherhood Allowance (LGBl. 1982 No. 8) a one-time tax-free motherhood allowance out of general State funds.

170. Employees responsible for bringing up children are entitled to special consideration in the determination of working hours and free time. In particular, they may be assigned to overtime work only with their consent. At their request, they must be given a midday break of at least 1½ hours. Account was also taken of the importance of child-raising in the amendment of the Old Age and Survivor's Insurance Act (LGBl. 1996 No. 192). For example, persons exercising parental authority over one or more children who have not yet attained the age of 16 are awarded a supplementary credit towards payment of the contributions to the compulsory Old Age and Survivor's Insurance.

171. Liechtenstein's Pregnancy Counselling Centre supports and advises people seeking assistance in relation to all issues and problems that may arise in connection with pregnancy. The scope of its activities extends in particular to counselling in conflict situations arising out of a pregnancy, providing assistance for pregnant women in need, and providing post-natal care for children, advice on contraception, family planning and sexual counselling, as well as preventive action through sex education in schools. The costs of the Pregnancy Counselling Centre are borne by a private foundation. The Liechtenstein Red Cross assists mothers, through the mother and infant counselling service, in caring for nursing children and in relation to nutritional questions. Further important areas of activity are publicity work regarding the need for doctors' visits and vaccinations, health education and the organization of courses. The mother and infant counselling service also makes house calls. The Pregnancy Counselling Centre and the Liechtenstein Red Cross both receive State financial support.

2. Disabled children (art. 23)

172. The support provided for disabled children and their parents in Liechtenstein is guided by the services offered under the mandatory disability insurance scheme. Under the terms of the Disability Insurance Act (LGBl. 1960 No. 5), persons who are resident or employed in Liechtenstein are subject to mandatory insurance. Employers, employees and self-employed persons between the ages of 20 and 65 are also obliged to contribute. The State bears the cost of any deficit in the disability insurance scheme up to an amount of 50 per cent of the total cost.

173. The Disability Insurance Act makes a distinction in principle between two types of services, supporting measures and pensions. Entitlement to a pension begins at the age of 18. Where medical supporting measures are concerned, in accordance with the provisions of the Disability Insurance Act Regulations (LGBl. 1982 No. 36), the disability insurance does not pay only the cost of treatment in in-patient or out-patient care by a doctor or by another medical facility. It also pays part of the cost of care in the home by medical and non-medical personnel, in particular by members of the disabled child's family.

174. The vocational measures include in the first place initial vocational training. In the context of these measures, the disability insurance makes payments to disabled persons who have not yet been employed and who as a result of their disability incur substantial additional costs in their initial vocational training. This initial vocational training is equated with preparation for employment in a protected workshop.

175. Apart from paying part of the cost (school fees, allowances for board, transport costs, special educational and therapeutic measures) for the special schooling of disabled children who as a result of their disability cannot, or cannot be expected to, attend public schools, the disability insurance also makes monetary payments in the form of contributions to the care of helpless minors. The care contributions are paid from the age of two up until the eighteenth birthday, and their amount depends on the degree of helplessness of the disabled child. The supporting measures also include such items financed by the disability insurance as, for example, prostheses, wheelchairs, vehicles for the disabled, adaptations in the workplace or alterations to residential accommodation to cater to the disabled.

176. Under the terms of the Payment of Subsidies to the Blind Act (LGBl. 1971 No. 7), special subsidies for the blind in the form of monthly monetary payments are provided for blind children from their sixth birthday onwards to compensate for the increased expenditures and special burdens occasioned by blindness.

177. In addition to the Office for Social Services and the Education Office, on the private side the Liechtenstein Association of the Disabled, the Educational Therapeutic Centre and a parents organization are active in promoting the integration of disabled children and adolescents into the schools and society. The Disabled Association operates for this purpose a sport and youth group, a vacation agency, a wheelchair transport service, a legal protection office and an office providing advisory services on construction of accommodation for the disabled. In hardship cases, it also provides financial support. The State makes an annual contribution in support of the Disabled Association; additional financial support is provided by the disability insurance scheme.

178. The Liechtenstein Educational Therapeutic Centre, which is also supported by the State and the disability insurance scheme, operates special kindergarten groups and special classes for the mentally handicapped, the multiply disabled, the speech impaired, and children with perceptional disorders or other partial disabilities who cannot, or are not yet able to, attend the public schools. In addition, the Centre provides early childhood care, speech therapy, physiotherapy and perception therapy services. Severely disabled persons are as a rule placed in special facilities in neighbouring countries. Also in specialized institutions in neighbouring countries, disabled adolescents can complete an apprenticeship or partial apprenticeship and find employment in protected workplaces.

179. There is no specific prohibition of discrimination against the disabled under Liechtenstein law. However, the European Convention on Human Rights prohibits discrimination with respect to the rights established in the Convention that is based on the "other status" of the person. Violations of this prohibition may be prosecuted in the courts.

3. Health and health services (art. 24)

180. The health-care system in Liechtenstein is well developed. There is a public hospital, as well as contracts with a number of hospitals in neighbouring countries which guarantee hospital care for persons resident in Liechtenstein. At the end of 1997, the patient-doctor ratio was about 700 inhabitants per practising doctor. Many persons resident in Liechtenstein also consult doctors in neighbouring border regions. The system of mandatory health insurance guarantees access by the entire population to basic health care (see also sect. 6.1).

181. On the basis of the Health Care Act, the State is under an obligation to take measures for the preventive health care of the population, particularly in schools and kindergartens. The subject matter of preventive health care comprises promotion of health awareness, prevention of diseases and accidents, early recognition of illnesses and disabilities, as well as pregnancy counselling and counselling for mothers and fathers. In the context of these forms of counselling, the State can support and participate in private associations.

182. Liechtenstein's Education Act establishes the framework for health care in the public and private schools. This includes, inter alia, providing guidance for the pupils in the early recognition of impending or existing illnesses and the conduct of appropriate measures to prevent or treat them, monitoring of school management, buildings and equipment from the hygiene standpoint and educating pupils, parents and teachers in health-care matters. To this end, the State operates a school physicians' and psychologists' service which functions as a counselling body for parents, school authorities and teachers in relation to learning, performance and educational problems.

183. The school physicians' service in the public and private schools is regulated by the School Health Care Regulations (LGBl. 1981, No. 27). School physicians appointed by the Government are responsible for monitoring the physical health of pupils and conducting preventive measures. Mandatory check-ups by school physicians take place in kindergarten and in the fourth, ninth and thirteenth school years, and in the case of apprentices in the second year of apprenticeship. Pupils in the second, sixth and eleventh school years and apprentices in the second year of apprenticeship are in addition examined for postural weaknesses or defects. The school physician maintains a health card for each pupil, on which the findings of the check-ups are entered. If special treatment or examination is necessary, the parents are informed. The preventive measures involve in particular preventive vaccinations and monitoring for tuberculosis. For pupils in the ninth school year, an x-ray examination is compulsory. The school physician is also responsible for counselling pupils, parents and teachers on health education issues.

184. The School Dental Care Act (LGBl. 1981, No. 17) establishes the area of applicability and scope of school dental care. Under its terms, children are subject to school dental care from two years before the start of mandatory schooling until it is completed. The care includes instruction in proper nourishment and guidance in proper care of the teeth, dental examinations, treatment of damage caused by tooth decay, the necessary orthodontic work and preventive measures to maintain the health of the oral cavity. School dental treatment requires the consent of the parents or other persons legally responsible for the child's upbringing. The cost of

examinations in school are borne by the State. Half of the cost of examinations not performed in school is borne by the parents, and treatment costs which would constitute an unacceptable hardship for the parents, as well as the balance, are borne by the school management.

185. Under the terms of the Regulations on Accident Insurance for Pupils in Public and Private Schools (LGBl. 1992, No. 89), the management of public and private schools is under an obligation to insure pupils against the consequences of accidents. The insurance is required to cover in particular accidents during class time and breaks, and on school trips or in school camps, as well as on the direct route to school.

186. Out of school, health care is also promoted by the State on the basis of the Youth Act. The main focus is on the dangers of disease. AIDS prevention among children and adolescents is conducted in the context of sex education in the schools. The schools receive support in this respect from Liechtenstein's AIDS Assistance Service. In addition, adolescents in particular are also the target audience for advertising and poster campaigns advocating use of condoms as a means of protection against infection. The free distribution of clean needles to drug addicts also serves to help prevent AIDS.

187. Family planning issues are dealt with in the context of sex education in the schools. In addition, the services of specialists are available. All forms of contraceptives are also available from them and in pharmacies. Most forms of contraception require a prescription, and are issued only after a medical examination. Condoms, on the other hand, are freely obtainable in retail trade.

188. By reason of the well-developed health-care system, infant and child mortality in Liechtenstein is low. Between 1990 and 1994 it was on average 1.2 cases, or 3 per 1,000 children, and is thus in line with the child mortality in neighbouring countries.

189. A substantial number of deaths among adolescents occur as a result of road accidents. Prevention in this area thus has an important role to play. Under the terms of the Act on a Contribution to Road Accident Prevention (LGBl. 1997 No. 3), every owner of a motor vehicle in Liechtenstein has to pay such a contribution annually. The resources raised are used in particular to finance road safety instruction campaigns for children in and out of school and information or educational campaigns for drivers and pedestrians.

190. A number of traffic regulations are also directed towards increased protection of children and adolescents on the roads. Thus, the Traffic Regulations Order (LGBl. 1978 No. 19) prescribes, for example, that drivers of motor vehicles are responsible for children between the ages of 12 and 14, as well as children under the age of 12 who need no special child seats, wearing seat belts, and that riders of motorcycles must wear a helmet. In addition, many other traffic regulations are aimed at the special protection of pedestrians, who very often include children and adolescents. The minimum age for the acquisition of a driving licence in Liechtenstein is 18.

191. The supply of healthy food in Liechtenstein is ensured through strict food laws. Numerous water and soil protection regulations and the use of modern technology guarantee clean drinking water.

192. In order to increase the protection against damage to health caused by air pollution, the Clean Air Act (LGBl. 1986 No. 3) laid the foundations for determining the highest permissible air pollution and the measures to be taken when discharge limits are exceeded. Under this Act, the Government also has an obligation to inform the public of air pollution levels.

193. In Liechtenstein, there are no traditional customs or rituals that are detrimental to the health of children.

4. Social security and childcare services and facilities (arts. 26 and 18.3)

194. The basis in law for the provision of social security in Liechtenstein consists of the social security legislation and the welfare legislation. Where the social security legislation is concerned, the Old Age and Survivors' Insurance Act (LGBl. 1952 No. 29), the Act on Supplementary Payments under Old Age, Survivors' and Disability Insurance (LGBl. 1965 No. 46) and the Family Allowance Act (LGBl. 1986 No. 28) are relevant to the situation of children. The main instruments under the welfare legislation are the Social Assistance Act (LGBl. 1985 No. 17) and the Youth Act (LGBl. 1980 No. 38).

195. The Old Age and Survivors' Insurance Act regulates entitlement to orphans' allowances. Under its terms, children whose natural father or natural mother is dead are entitled to an orphan's allowance. If both the father and the mother are dead, the entitlement is for two orphan's allowances. A foundling found in Liechtenstein whose parents are unknown is entitled to an orphan's allowance. Entitlement to the orphan's allowance lapses on attainment of the age of 18. In the case of adolescents who are still in education, the entitlement to the allowance lasts until the education is completed, but at most until their twenty-fifth birthday. The orphan's allowance is calculated on the basis of the duration of contributions by the deceased persons and their average annual income. If the income to be taken into account is below a minimum level, the Act on Supplementary Payments under Old Age, Survivors' and Disability Insurance provides under certain circumstances for entitlement to a supplementary payment.

196. The Family Allowances Act establishes the framework for the payment of family allowances in the form of birth and children's allowances. Children within the meaning of the Act are natural children, adopted children, stepchildren and foster children. Persons whose residence under civil law is in Liechtenstein are entitled to children's allowances for their children. The amount of the children's allowances is governed by the number and age of the children. Birth allowances are paid for every child born alive or dead, as well as for adopted children who are not yet five years old at the time of adoption.

197. Currently, Liechtenstein has four day-care centres and two crèches, in which children aged from 2 months to 16 years (day-care centres) or between the ages of 3 and 12 are given half-day or full-day care. Thus, there is one childcare place in Liechtenstein per about 5,000 inhabitants. The day-care centres are owned by private associations, while the crèches are operated by the relevant communes. On grounds of their educational purpose, both institutions receive financial support from the State under the terms of the Youth Act.

5. Standard of living (art. 27.1-3)

198. The primary responsibility of parents for their children is established in the General Civil Code. Where the parents are not in a position to provide maintenance, the grandparents are required to assume responsibility for maintenance commensurate with the requirements of their child appropriate to the living conditions of the parents.

199. The purpose of the Social Assistance Act is to provide social assistance for persons in need of assistance in order to enable them to live a decent lifestyle. In particular, persons who are not in a position to ensure the livelihood of themselves and the relatives entitled to support living together with them in a family relationship qualify as in need of assistance. The forms of social assistance include, inter alia, support for subsistence, provision of accommodation, arranging employment and assistance for pregnant and nursing women.

200. A study of poverty in Liechtenstein, conducted in 1996, found that apart from the unemployed, single parents are particularly dependent on social assistance. The most common ground for needing assistance is that the family has lost its ability to support itself as a result of divorce. The additional risk of poverty facing single parents as a result of the cessation of maintenance payments is countered by the Maintenance Allowance Act. Since the possibility of a tax deduction for bringing up children is as a rule completely exhausted in the case of single parents and families with low incomes as a result of the low taxable income, other measures are currently under study.

G. Education, leisure and cultural activities

1. Education, including vocational training and guidance (art. 28)

201. The Constitution of Liechtenstein acknowledges no explicit right to education. It does, however, assign to the State the task of taking particular care to organize and administer education in such a way that through the combined action of the family, the school and the church, young people as they grow up acquire a religious and moral education, patriotism and qualifications for future employment. With the ratification of Additional Protocol No. 1 to the European Convention on Human Rights (LGBl. 1995 No. 208), Liechtenstein has explicitly recognized a basic right to education which can be invoked by the country's inhabitants.

202. On the basis of the Constitution and the Education Act, education is compulsory for all children resident in Liechtenstein. Compulsory education lasts nine years. The Education Act also provides that the public schools, including kindergartens, shall be accessible to all, and that attendance at the public schools (with the exception of the preparatory course for university admission for graduates of professional training) is free of charge. The non-compulsory public schools for further education are also generally accessible and free of charge. The Constitution also provides that the State shall facilitate attendance in higher education by well-qualified students without the necessary resources through the award of appropriate grants. The State Educational Assistance Act (LGBl. 1972 No. 33) establishes the principle that the State, in order to promote education and supplement the existing opportunities for education in Liechtenstein's public schools or the State-subsidized private schools, shall provide educational assistance to persons attending other educational institutions. Nationals of Liechtenstein or nationals of a

State of the European Economic Area (EEA) resident in Liechtenstein are entitled to educational assistance if the earnings and property situation of the parents, who in principle are required to assume responsibility for the cost of educating their children, are insufficient. If their income situation so justifies, nationals of a non-EEA State resident in Liechtenstein can have the costs of school attendance reimbursed, in whole or in part, if an opportunity for the education does not exist in Liechtenstein and if one parent or the applicant himself has been resident in Liechtenstein for one year.

203. The public education system in Liechtenstein consists of the compulsory education and various forms of further education. Insofar as the possibilities of education in Liechtenstein are insufficient, the State has concluded agreements with foreign partners with a view to ensuring non-discriminatory access to foreign educational institutions. Thanks to these agreements, Liechtenstein has access to abundant and complete educational opportunities in Liechtenstein and abroad, affording the possibility of studying all recognized professions. Attendance at foreign educational institutions is supported by Liechtenstein through contributions to the operating costs of the relevant school administrations and through individual educational assistance in cases of need referred to above. Non-discriminatory access to Austrian and Swiss universities is ensured by means of agreements on the equivalency of graduation certificates and university admission qualifications. Access to universities in other European countries is regulated by agreements within the framework of the European Economic Area and the Council of Europe.

204. Liechtenstein has a State School Psychology Service and a State Vocational Guidance Office that are available to persons seeking advice. While under the terms of the Education Act the advice of the School Psychology Service can be taken into account in decisions relating to a student's school career, the Vocational Guidance Office, under the terms of the Vocational Training Act (LGBl. 1976 No. 55), has the task of assisting adolescents and adults through the provision of general information and individual counselling on issues relating to choice of profession and education and to organization of professional careers. The vocational counselling is voluntary and free of charge. Vocational information is available in the various school libraries and can be consulted at any time in the specialized library of the Vocational Guidance Office. Preparation for choosing a profession also forms a regular part of school curricula in Liechtenstein.

205. School attendance in Liechtenstein is consistently enforced. Under the terms of the Education Act, the parents are responsible for fulfilment of the educational obligation, in particular for regular school attendance and the maintenance of school discipline. Fines are imposed for non-compliance. Under the terms of the Education Act, cessation of attendance in compulsory education is possible only in the context of an administrative procedure and in accordance with specific criteria. One to two cases of premature termination of schooling occur in Liechtenstein each year.

206. Under the terms of Liechtenstein's education-related legislation, personnel employed in the schools are prohibited from applying disciplinary measures such as physical or collective punishment. Punitive measures such as suspension or expulsion may be ordered, pursuant to the terms of the Education Act, only in the context of an administrative procedure. During compulsory schooling, expulsion is not permissible without educationally meaningful alternative

measures. The Education Act also provides that only persons possessing the necessary education may be employed as teaching staff in a public school or a private school. Thus, all individuals employed in education in Liechtenstein have pedagogical training and hence are in a position to resolve disciplinary problems in conformity with the Convention.

207. Liechtenstein's development cooperation in the field of education is governed by the Development and Emergency Assistance Promotion Act (LGBl. 1985 No. 14). Under the terms of the Act, the State supports, through financial contributions, projects for the promotion of the spiritual, cultural, social and economic development of developing countries. The focus of the project activities of Liechtenstein's Development Service is thus both on vocational education and on the creation of employment through the establishment of independent businesses. The fact that the projects are subject to review enables account to be taken of specific needs. In 1997, expenditure on education projects amounted to around half of the total project expenditure of Liechtenstein's Development Service. Education projects also play an important role in Liechtenstein's cooperation with the States of Central and Eastern Europe.

2. Aims of education (art. 29)

208. The aims of education specified in the Convention are a component part of the existing curricula of the various schools in Liechtenstein, and also of the newly developed overall curriculum for compulsory education. The guiding ideas of the overall curriculum refer explicitly to the special importance of the rights of the child.

209. Non-German-speaking-children of a parent from an EEA State employed in Liechtenstein who are subject to compulsory education have the opportunity of attending courses in their mother tongue and the geography of their home country. Under the 1995 Order on Instruction of Children of Immigrant Workers in their Mother Tongue and the Geography of their Home Country (LGBl. 1996 No. 7), Liechtenstein undertook to provide the necessary infrastructure (classes within the class timetable, school premises) for such courses.

210. Under the terms of the Education Act, the establishment and operation of private schools in Liechtenstein is subject to authorization. Authorization is granted if generally acceptable instruction in conformity with the regulations and consistent with the purposes of education in Liechtenstein is guaranteed. The curricula of private schools must be in conformity with the curricula for the public schools. Currently, there are three private schools in Liechtenstein.

3. Leisure, recreation and cultural activities (art. 31)

211. The right of the child to rest and leisure is taken into account in the curricula for the various types of schools. Under the terms of the Education Act, the curricula are required to establish, inter alia, the total number of classes in the individual grades and the number of classes in the individual subjects. In addition, the Education Act also regulates the length of the school year and the school holidays. In the context of the 1977 Order on the Operation and Organization of Kindergartens (LGBl. 1997 No. 58), the duration of instruction in kindergartens is determined by the school boards of the communes, taking into account the age of the child.

212. With respect to adolescents in employment, the Labour Act specifies that they must be given daily time off of at least 12 consecutive hours, and that their daily working hours may not exceed 10 hours. In addition, adolescents may not be employed at night and on Sundays. The maximum weekly working hours of adolescent employees are also shorter than those of other employees. In addition, the General Civil Code gives adolescent employees entitlement to longer annual holidays until they reach the age of 21.

213. In Liechtenstein, the organization of opportunities for cultural and artistic activity and for active recreation and employment of free time forms part of juvenile care. Juvenile care is the responsibility of religious communities, communes, private and public institutions and youth groups. They perform this function autonomously. The task of the State, under the terms of the Youth Act, lies predominantly in providing financial grants, specialized support, counselling, and the organization of premises and facilities.

214. In principle, youth work in Liechtenstein can be divided into the youth work of clubs and associations and open youth work. A common feature of the youth activities of clubs and associations is that they require the participants to be members and to take part regularly, and the activities are divided thematically among the different associations. Open youth work is addressed to all adolescents and takes various institutional forms, for example youth centres. These are as a rule run by a leadership team appointed by the commune. The activities are determined by the current demands of adolescents. Since the activities, atmosphere and mood in the youth centres are determined above all by male adolescents, special activities are offered and conducted that are addressed solely to girls. Ideally, both sexes are represented in a leadership team in order to meet the need of adolescents of both sexes for someone of the same sex to talk to and for a role model of the same sex. This is not yet the case in all youth centres in Liechtenstein.

215. The numerous sports associations make a valuable contribution to the physical exercise of children and adolescents in Liechtenstein. In the area of culture and art, a wide range of activities are available from associations and from the open youth work. In addition, the Liechtenstein School of Music and the Liechtenstein School of Art play an important role in this area. Under the terms of an Act of 1991 (LGBl. 1992 No. 15), the Liechtenstein School of Music is an independent foundation under public law, financed by means of contributions from the communes, a State contribution and the attendance fees, which are required to cover at least 25 per cent of expenditures. Furniture and instruction materials are provided to it by the State. The purpose of the foundation is to provide instruction in instrumental and vocal music and promote the musical life in Liechtenstein. A very high proportion of children and adolescents (around 1,900) avail themselves of the services of the School of Music, and it makes an important contribution to the musical education of young people. A special merit of the School of Music is that it integrates early musical education into the kindergartens and basic music instruction into the primary schools. In addition, there is close cooperation between the School of Music and the numerous music and choral societies.

216. The Liechtenstein School of Art is to be regarded as an adjunct to the School of Music. It has existed on an experimental basis since 1993, and its objective is to promote, as a supplement

to the instruction provided in the general schools and the facilities of the Youth and Adult Education Service, persons with special artistic gifts and early art education and basic instruction. Currently, financing by the State is assured until the year 2001.

H. Special protection measures

1. Children in situations of emergency

(a) Refugee children (art. 22)

217. Liechtenstein is a party to the 1951 United Nations Convention relating to the Status of Refugees (LGBl. 1956 No. 15) and its 1967 Protocol (LGBl. 1986 No. 75). In view of the steadily increasing number of persons seeking asylum in Liechtenstein in recent years, the Government has submitted to the Landtag an Asylum and Refugee Act which is currently in its first reading in the Landtag. The new Act, which is based on the 1951 Convention, regulates the regular asylum procedure and the temporary admission of refugees from violence. In the definition of refugees, no distinction is made as to age. The bill does however provide for the enactment of regulations with respect to the asylum procedure for women, unaccompanied minors and victims of torture which take special account of their psychological state and age.

218. The bill provides for the establishment of a reception centre at which asylum-seekers will be interviewed and refugees will be housed until their situation is clarified. Because of Liechtenstein's special situation, particularly the small size of the country, refugees should, as a rule, be housed in the reception centre until the procedure is completed. Thus, provision is made for the reception centre to be divided into two sections: one section for the short-term accommodation of asylum-seekers, and one section where asylum-seekers can also be accommodated for several weeks and even months where the duration of the procedure so necessitates. Provision will also be made, however, for the possibility of special cases, for example families or women with children, being housed in other accommodation for the duration of the procedure. Asylum-seekers and persons in need of protection should, the bill specifies, be provided with support under the provisions of the Social Assistance Act, and benefits in kind are to be granted to the extent possible.

219. Care for refugees and their children is provided by the Refugee Coordinator, the Therapeutic Service of the Office for Social Services and the Liechtenstein Refugee Assistance Service, a private association which is supported by the State. The school-age children of asylum-seekers will be afforded access to the primary and subsequent schools. According to the planned Asylum and Refugee Act, special measures are to be taken to facilitate access to vocational education facilities.

220. Under the terms of the bill, spouses of recognized refugees and their minor children will be granted asylum for the purpose of family reunification if the family has been separated by the departure from the home country and wishes to be reunited in Liechtenstein. If the application for asylum is rejected, as a rule, repatriation has to be ordered. In conducting a repatriation, account has to be taken of the principle of family unity. If conduct of the repatriation is not possible, not permissible or not reasonable, residential status is regulated in accordance with the

provisions governing temporary admission. During temporary admission, children are subject to compulsory school attendance. The Health Insurance Act, in turn, provides for compulsory insurance with respect to basic health care. It also guarantees access to the health-care system.

221. The legal status of recognized refugees in Liechtenstein is governed in principle by the law applicable to aliens. However, the planned Asylum and Refugee Act makes provision for exceptions. Under its terms, refugees will be authorized to engage in gainful employment without being subject to the restrictions applicable to foreign labour. With respect to establishment of residence, too, a more advantageous arrangement applies to refugees, in that they are entitled to receive a residence permit after 5 (instead of 10) years of uninterrupted residence in accordance with the regulations.

222. In order to promote the integration of non-German-speaking children, and hence also of refugee children, the 1995 Order on Special Educational Measures and the School Psychology Service (LGBl. 1995 No. 197) provides for the conduct of intensive courses and additional instruction in the German language. The intensive courses are for incoming children over the age of eight who do not yet possess a sufficient knowledge of German. The purpose of the intensive course is to enable them to enter the appropriate grade and the appropriate type of school after at most one school year. So that the integration will also be successful in social terms, the children are familiarized with conditions in Liechtenstein. In 1997, 16 children and adolescents attended intensive courses. The additional instruction is addressed to children who are not of German mother tongue, and is aimed at increasing their linguistic competence so as to enable them to attend regular classes without language problems, to the extent possible.

(b) Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

223. Liechtenstein is a party to the Geneva Conventions on the protection of victims of war of 12 August 1949 (LGBl. 1989 No. 18-21; LGBl. 1950 No. 19) and its two Additional Protocols of 1977 (LGBl. 1989 Nos. 62 and 63). Through its regular financial support for the International Committee of the Red Cross, Liechtenstein contributes to the dissemination of knowledge of international humanitarian law.

224. There is no legislation on military service in Liechtenstein, since it has had no armed forces since 1868. Under the terms of the Constitution, however, every male capable of bearing arms is obliged, until the age of 60, to defend the fatherland in case of need.

225. There is no legislative enactment in Liechtenstein that explicitly provides for assistance payments to crime victims. However, the Youth Act provides for individual assistance to endangered and mistreated children and adolescents, as well as special assistance for children with physical or mental impairments. This assistance is a legal entitlement (see also section E.9).

226. Liechtenstein supports international assistance to victims, inter alia through voluntary contributions to the World Organization against Torture, the United Nations Voluntary Fund for Victims of Torture, the International Committee of the Red Cross and the Office of the

United Nations High Commissioner for Refugees. Since children are very often the victims of anti-personnel mines, Liechtenstein signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on 2 December 1997, and intends to ratify it promptly in order to contribute to the early entry into force of the Convention. Liechtenstein has made voluntary contributions to the United Nations Trust Fund for Mine Clearance.

2. Children in conflict with the law

(a) The administration of juvenile justice (art. 40)

227. The core of the administration of juvenile justice in Liechtenstein is the Juvenile Court Act (LGBl. 1998 No. 39). It provides that, in the administration of juvenile justice, not only the requirements of criminal jurisdiction but also those of care for, protection of and assistance to juveniles are to be taken into account. In principle, the general provisions of the criminal justice system, including the treatment of prisoners, apply to the administration of juvenile justice. However, the Juvenile Court Act contains special provisions applicable to adolescents, and prescribes that cases involving them shall be kept separate from cases against adults. Where the general administration of justice is concerned, the Penal Code (LGBl. 1988 No. 37), the Code of Criminal Procedure (LGBl. 1988 No. 62) and the European Convention on Human Rights are the most important instruments. Both the Penal Code and the European Convention contain a prohibition against retroactivity, and establish the principle nulla poena sine lege. The presumption of innocence is also embodied in the European Convention. The Convention further provides that an accused person has the right to a lawyer of his choice, and if he lacks the resources to pay a lawyer, to receive the assistance of a lawyer free of charge if this is necessary in the interests of the administration of justice. Under the terms of the Juvenile Court Act, an adolescent is entitled, if he so requests, to have his lawyer present as a confidential person during an examination or formal hearing by a policy body or by the court. The adolescent must be informed of this right at the latest at the beginning of the hearing. The legal representative is entitled to appoint a lawyer for the adolescent even against the latter's will.

228. The European Convention on Human Rights prescribes that everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him. He is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Entitlement to due process is also established in Liechtenstein's Criminal Code of Procedure. This also provides that everyone brought before a court must be heard within 24 hours. The Juvenile Court Act provides that cases involving young people have priority over other court business and must be accorded accelerated handling. The guarantees that an accused person may not be compelled to testify against himself or to confess his guilt, the right to examine or have examined witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as the witnesses against him are embodied in the European Convention on Human Rights. The right to have the free assistance of an interpreter and the right to respect for private life are also guaranteed under the European Convention.

229. Under the terms of the Juvenile Court Act, the court of first instance competent to hear cases involving young persons is the Juvenile Court. The requirement that a decision and any

measures imposed in consequence thereof shall be reviewed is taken into account in the Code of Criminal Procedure through the regulations applicable to the successive stages of appeal. Under the regulations, the High Court, as the court of second instance, rules on appeals and complaints against sentences imposed and decisions taken by the court of first instance, and the Supreme Court in turn against appeals and complaints against judgements and decisions of the High Court. The State Court monitors compliance with the rights guaranteed by the Constitution.

230. The Juvenile Court Act establishes the special criminal procedures relating to cases involving juveniles. The composition of the Juvenile Court is regulated by the Court Organization Act (LGBl. 1922 No. 16). Under its terms, the court of first instance, when sitting as the Juvenile Court, consists in principle of one judge as president. It is legally constituted only when at least one juror is of the same sex as the accused. Members of the Juvenile Court are in addition required to possess the necessary pedagogical court knowledge and abilities, as well as experience in the area of juvenile welfare, care of juveniles and, where necessary, psychology and social work. The authorities involved in criminal proceedings involving juveniles include, apart from the Juvenile Court, the Children's and Youth Service, which under the terms of the Juvenile Court Act is required to guarantee, in the case of the issuance of a care or custody order, the rights and obligations of the legal representative.

231. In Liechtenstein, persons under the age of 14 are not competent to stand trial, and may not be held accountable before the criminal courts for their actions. Criminal offences by persons who have reached the age of 14 but not yet the age of 18 fall under the provisions of the Juvenile Court Act. Persons who have attained the age of 18 but not yet the age of 20 are regarded under civil law as minors, but are nevertheless competent to stand trial. Under the terms of the Penal Code, their minority is taken into account as a special mitigating circumstance.

232. When an adolescent is for particular reasons not mature enough to recognize the unlawfulness of the act or to behave in accordance with that recognition, the Juvenile Court Act provides for the possibility of criminal proceedings being dropped. In the case of illegal acts by children and adolescents up until the age of 18, educational measures may be ordered by authorities or by the court. The Youth Act regulates the relevant youth assistance measures to be conducted by voluntary and legal aid agencies. These consist of educational assistance, foster care (in a foster family) and institutional care. In each case, before the measures are ordered, the persons in whom the right of education is vested and the person in need of assistance are accorded a hearing by the Children's and Youth Service. Orders that are against the will of the persons in whom the right of education is vested may be ordered by the court only on the application of the Youth Council.

233. The Juvenile Court Act prescribes that in juvenile criminal cases the living conditions and family circumstances of the accused, his development and all other circumstances that would serve to assess his physical, mental and spiritual characteristics shall be specially investigated and ascertained. Individual or special investigations may in such cases be assigned to the Children's and Youth Service. Where possible, the preliminary hearings in criminal cases involving juveniles are conducted without the involvement of the police. Should it be necessary to involve the police authorities, they are required not to wear uniform when accompanying adolescents. Detention pending trial is imposed in criminal cases involving juveniles only

exceptionally, and is maintained only for so long as is absolutely necessary. During detention pending trial, minors are kept separate from adult prisoners. Where possible, detention pending trial is replaced, when it does not appear expedient for the minor to remain in his own family, by accommodation with a reliable family or in an appropriate institution.

(b) Children deprived of their liberty including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

234. In accordance with the principle that in the administration of juvenile justice not only the requirements of the judicial system, but also those of the care, protection and assistance of juveniles are to be taken into account, the Juvenile Court Act provides for a number of measures that take into account the special features of criminal cases involving juveniles. Thus, for example, the Act allows for the possibility of conditional sentencing, conditional discharge on probation and discharge with a warning. In the case of conditional sentencing, a probationary period of from one to three years applies, beginning from the time when the sentence is no longer subject to appeal. Conditional release from a prison term can be authorized after half of a term of at least two months has been served. In the case of small fines or short prison terms the court can release a juvenile offender on probation.

235. In the case of sentencing for crimes committed by juveniles, the maximum and minimum amounts of all prison terms and fines provided for by law are reduced by half. Imposition of life imprisonment or of imprisonment for from 10 to 20 years is replaced by imprisonment for from 5 to 15 years if a juvenile has committed the offence after attainment of his sixteenth birthday, and otherwise by imprisonment for from 5 to 10 years.

236. Liechtenstein's Code of Criminal Procedure prescribes that juveniles may not be confined together with other prisoners. While serving prison terms, juvenile offenders are, under the terms of the Juvenile Court Act, to be kept separate from adult prisoners. In addition, provision is made for juvenile prisoners to begin or continue vocational training while serving their sentence. Regardless of the duration of the prescribed term of imprisonment, a stay of execution of sentence can be authorized when important requirements relating to educational training create a need for exceptions.

237. The right to correspondence and visits is regulated by the Treatment of Prisoners Act (LGBl. 1983, No. 53). Under its terms, prisoners are allowed monitored written correspondence with relatives and other appropriate persons. They may receive visits from persons close to them for at least half an hour a week, and the visits are as a rule monitored.

238. Since only detention pending trial takes place in Liechtenstein, the Government has concluded with Austria an Agreement on the accommodation of prisoners (LGBl. 1983, No. 39). Under the provisions of this Agreement, Austria renders Liechtenstein legal assistance at its request by accommodating persons who on the basis of an order by a court in Liechtenstein are to be kept in confinement. Decisions relating to the duration of the confinement are taken by the authorities in Liechtenstein. For the rest, the confinement is governed by the provisions of Austrian law. Similar cooperation takes place between Liechtenstein and some cantons in

Switzerland. In practice, through the involvement of the Children's and Youth Service, before a juvenile prisoner is housed in a juvenile detention facility in a foreign country, consideration is given to the appropriateness of such action in terms of training opportunities and family contacts.

239. For the provisions relating to legal counsel and recourse procedures, see section H.2 (a).

(c) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

240. With the entry into force of the new Penal Code on 1 January 1989, the death penalty in Liechtenstein was abolished. Protocol No. 6 to the European Convention on Human Rights (LGBl. 1990, No. 79), which prohibits the death penalty, entered into force for Liechstenstein on 1 December 1990.

241. Liechtenstein's Penal Code excludes the imposition of life imprisonment on a person who at the time the offence was committed had not yet reached his twentieth birthday.

242. For the provisions relating to torture, see section D.8.

3. Children in situations of exploitation, including physical and psychological recovery and social reintegration

(a) Economic, exploitation, including child labour (art. 32)

243. As a party to the European Convention on Human Rights, Liechtenstein acknowledges the prohibition contained therein on forced or compulsory labour. This prohibition also applies to children and adolescents. Liechtenstein's Labour Act specifies the minimum age for admission to employment as the fifteenth birthday. For running errands and light work of short duration, exceptions are possible for adolescents aged over 13. The exceptions are subject to authorization. In individual cases, regular employment of adolescents who have left school can also be authorized, once they have attained their fourteenth birthday. To this end, a medical certificate is required stating that there is no impediment to the intended employment of the adolescent on grounds of illness, frailty or developmental defects. The Labour Act also contains special protective provisions for adolescent employees in industry and trade with respect to daily and weekly working hours and rest time, as well as overtime and work at night and on Sundays. Thus, adolescents may not be employed in overtime work until they have attained their sixteenth birthday. Adolescents may not be employed at night and on Sundays. Exceptions may be authorized in the interests of occupational vocational education.

244. Apart from the general provisions relating to preventive health care and accident prevention, special protective provisions apply to adolescent employees in Liechtenstein with respect to prohibited work and employment. These are contained in Ordinance No. 1 to the Employment Act (LGBl. 1968, No. 15). Jobs in which adolescents may not be employed include in particular jobs which experience has shown to be associated with substantial risk of accidents or to make excessive demands on the physical and mental capabilities of adolescents.

Compliance with the labour protection provisions relating to adolescents is monitored in general by the police and in particular by the Labour Inspectorate of the Office of the Economy. In addition, the Children's and Youth Service of the Office for Social Services also responds to queries from the population.

245. Under Liechtenstein's Penal Code, overstraining an adolescent in such a way as to create a danger to life, substantial bodily harm or impairment of health is subject to imprisonment. If it leads to severe bodily harm, the person committing the offence is liable to imprisonment for up to 3 years; if it results in bodily harm with serious and lasting consequences, with imprisonment for up to 5 years and if it results in death, with imprisonment for up to 10 years.

(b) Drug abuse (art. 33)

246. Liechtenstein's drug policy can be divided into three areas: prevention, therapy and legal intervention. Special importance is attached to the protection of children and adolescents. Because of the open border between Liechtenstein and Switzerland and the close treaty connections with the neighbouring country, Liechtenstein aligns itself basically with the Swiss drug policy in order to avoid conflicting arrangements. This applies in particular also to the studies currently taking place with reference to Liechtenstein's possible accession to the United Nations drug conventions of 1971 and 1988. Liechtenstein has already ratified the Single Convention on Narcotic Drugs of 1961 (LGBl. 1988, No. 37).

247. The actual scale of the consumption of legal and illegal drugs and the extent of dependency in Liechtenstein are not known. Obtaining scientifically based findings is faced, apart from the problem of certain definitions, such as, for example, that of dependency, above all with the problem of data protection, which because of Liechtenstein's small size would have to be substantially violated in order to obtain valid facts. On the basis of the results of investigations by the National Police, the drug situation in Liechtenstein in 1996, insofar as it is known to the police, may be summarized as follows. In all, 221 persons were charged with drug offences. Of the 221 persons, 133 were first offenders and 88 repeat offenders. The age structure of the persons charged was 86 under the age of 18, 46 between 18 and 20 and 89 over the age of 20. The breakdown of the charges was as follows: 202 cannabis, 50 synthetic drugs (Ecstasy), 45 cocaine, 19 heroin and 7 others. According to estimates by the National Police, a drastic increase in consumption of Ecstasy took place in 1996. The same applies to cocaine abuse, while consumption of heroin slightly decreased in 1996. In 1996, two individuals of Liechtenstein nationality died in Switzerland from heroin overdoses.

248. The prevention practised in Liechtenstein is not substance-specific, and is aimed at promoting responsible health-oriented behaviour. General prevention of addiction forms an integral part of a comprehensive health education programme. Drug prevention activities in the narrow sense take place at all levels of schooling, from kindergarten through primary and secondary school up to basic professional education. These measures are supplemented by the provision of information on the prevention of addiction at work and in parental and adult education. Under the provisions of the Youth Act, assistance to adolescents in danger of addiction is provided in the context of assistance to juveniles. It includes, apart from personal

counselling for and care of affected children and adolescents, and where necessary the persons legally responsible for their upbringing and care, special assistance measures that are prescribed by law. In the preparation of a new overall curriculum for compulsory schooling that is currently taking place, account is taken of the great significance of the school in preventing addiction, particularly in promoting important social skills such as conflict resolution, dialogue, competence to perform legal acts, critical ability and self-responsibility. Addiction prevention work in schools takes place in special class periods, and also in larger-scale projects extending across abilities and classes. Great importance is attached to the involvement of parents and State offices. In 1998, a comprehensive addiction prevention campaign is being conducted under the motto "Courage for education", addressed to all individuals who bear responsibility for others, particularly for young people. It is intended to create awareness of the educational influence on risk prevention in general and drug consumption in particular, and to address a broad segment of the population extending beyond the circle of traditional educators such as parents and teaching staff.

249. Addiction prevention among children and adolescents pays particular attention to the consumption of legal substances such as alcohol and tobacco. The relevant provisions for the protection of juveniles are to be found in the Youth Act, which prohibits the sale of non-distilled alcoholic beverages to adolescents under the age of 16. The same age-limit applies to the consumption of tobacco. Consumption of distilled alcoholic beverages by children and adolescents is totally prohibited. Restaurants, inns and bars are required to offer for sale a range of non-alcoholic beverages at prices no higher than those of the cheapest alcoholic beverage of the same size. The presence of children and adolescents in such establishments is also regulated by the Youth Act. The local police authorities, the National Police and the Children's and Youth Service are required to monitor compliance with the juvenile protection provisions, particularly in restaurants and at public events, and to bring charges where necessary. In addition, the Youth Act places all persons who become aware of gross abuses necessitating official intervention in order to protect children and adolescents under an obligation to notify the Children's and Youth Service or another national or commune authority thereof immediately.

250. In practice, it is nevertheless apparent that breach of the requirements relating to legal substances such as alcohol and tobacco is very often regarded as a trivial offence. For this reason, the provisions for the protection of juveniles were reissued in 1997 in two publications, one addressed to adults and the other to adolescents, which were circulated to communes, schools, parents' organizations, associations and other interested parties. The aim is, on the one hand, to promote reflection among adults on their position as role models with regard to the consumption of such substances and, on the other hand, to stimulate a dialogue between adults and adolescents on the role of these substances in society. The aim is, by shaping opinion in this way, to promote consensus among the population with regard to the drug policy to be pursued. Precisely in the area of legal substances, the implementation of regulations solely by police means or through official penalties has proved relatively unsuccessful. Accordingly, greater weight is to be assigned in future to the educational component.

251. Liechtenstein's drug policy in the area of therapy focuses on integration. For this reason, drug consumers and addicts are not treated as a special group, and receive no special treatment

Counselling, care and treatment of drug consumers are incorporated in general psycho-social and medical care. Any drug consumer willing to undergo therapy is given the opportunity to break the habit and assured of a therapy place. An important component of the therapy consists of measures for the social reintegration of former dependents. For some of the dependents, the assistance consists not in helping them break the habit and gearing them towards an abstinent lifestyle, but in ensuring basic necessities of life such as food and accommodation through social assistance. This assistance includes the distribution of drug substitutes in an organized socio-medical context (the methadone programme), as well as counselling and care. According to an evaluation by the specialists who took part, the methadone programme has proved basically successful in terms of the quality of life of the patients and in converting them to abstinence.

252. The legal intervention measures include, on the one hand, educational and, on the other hand, repressive measures. Repression is directed in the first place against the trafficking, sale, manufacture and possession of drugs, as well as against the related monetary transactions. Consumption is countered above all through educational measures. The legal foundations for the intervention measures consists in the first place of the Narcotics Act, the Penal Code and the Youth Act. The aim of the Narcotics Act and the Penal Code is to halt drug trafficking and stem drug consumption through the imposition of penalties. Under the Narcotics Act, the manufacture, possession, trading and trafficking in general of narcotics are subject to penalties. Commercial-scale drug trafficking is particularly severely penalized. Deliberate drug consumption is also penalized.

253. The practice with regard to drug policy is increasingly aimed at refraining from imposing a penalty for drug consumption, when educational measures have a prospect of successfully bringing about abstinence or rehabilitation. This is not a matter of simply annulling the criminality of consumption, but of replacing measures under penal law by more appropriate educational means. Instead of punishment, forms of behaviour are called for that lead to abstinence, therapy and integration into society. Thus, for example, the Road Traffic Act offers the possibility of temporarily suspending the driving licence of drug dependents or persons endangered by abuse, or of making issuance of the driving licence dependent on documentation that provides proof of abstinence. Experience with the consistent implementation of such educational measures is very positive. The issue of whether the possibility of educational measures can be expanded through amendment of the legislation in force is currently under study.

(c) Sexual exploitation and sexual abuse (art. 34)

254. The punishable offences against morality are specified in Liechtenstein's Penal Code. Thus, penalties are imposed for extramarital intercourse and sexual acts with minors. Minors within the meaning of the Penal Code are persons who have not yet attained their fourteenth birthday. Also subject to penalty are acts liable to endanger the moral or spiritual development or health of minors or adolescents. Promotion of prostitution and the production, storage and sale of indecent or brutalizing written material, pictures, films or other objects are punishable. In order to put a stop to the exploitation of children for purposes of pornographic performances and

representations, it is envisaged that the revision of the Penal Code that is in the course of being carried out will make explicit provision for this offence. The revision will make the production, import, export, rental or sale, and also simple possession, of such material liable to prosecution.

255. The Penal Code establishes the principle that Liechtenstein penal law applies to acts committed by Liechtenstein nationals abroad which are also liable to prosecution under the law of the place where they were committed. The same provision applies to acts committed by foreigners who cannot be extradited. The acts committed abroad that are liable to prosecution in Liechtenstein without regard for the laws of the place where they were committed include, inter alia, slave trading and abduction for purposes of extortion. Under the terms of the planned amendment to the Penal Code, sexual acts involving minors that are committed abroad will also be liable to prosecution in Liechtenstein, even when the acts in question are not liable to prosecution at the place where they were committed.

256. For further information see section F.1.

(d) Other forms of exploitation (art. 36)

257. Anyone who physically or mentally abuses a minor or adolescent who is under his care or protection or grossly neglects his obligation to provide care or protection for such a person is liable to prosecution under the terms of Liechtenstein's Penal Code. Where parents or grandparents endanger the best interests of a minor child through their conduct, the court is required under the terms of the General Civil Code, whomever refers the matter to it, to make the necessary arrangements to safeguard the well-being of the child.

(e) Sale, trafficking and abduction (art. 35)

258. Liechtenstein's Penal Code imposes penalties for the removal of a minor, with his consent, from the control of the persons responsible for his upbringing for any purpose, and for the abduction of a minor for purposes of abusing him or her for immoral purposes or inducting him or her into immorality. Similarly liable to prosecution is anyone who causes another person to be enslaved or placed in a situation resembling slavery, or to enter into slavery or a situation resembling slavery. Traffic in persons and deprivation of liberty are also liable to prosecution. Traffic in persons, slave trading and abduction for purposes of extortion are liable to prosecution without regard for the legislation of the place of commission.

4. Children belonging to a minority or an indigenous group (art. 30)

259. There are in Liechtenstein neither national minorities nor indigenous groups. The freedom of religion, association and assembly of foreigners is guaranteed by the Constitution and the European Convention on Human Rights. Many groups of foreigners have formed associations which organize a very wide range of joint activities, including cultural and religious events. Non-German-speaking children subject to compulsory school attendance have the opportunity of attending courses in their mother tongue and in the geography of their home country.

I. Concluding remarks

260. When the Government submitted to the Landtag in 1994 an exhaustive report on Liechtenstein's family policy, the term "family compatibility" was coined. It is to be understood in the sense of a catalogue of measures which keeps policy implementation under constant review in order to ascertain whether they contribute to conditions conducive to family life. Family policy is thus clearly defined as a cross-sectoral task which calls for thinking and action that transcend departmental concerns.

261. To the extent that the children and youth policy cannot be separated from the family policy, the "study of compatibility" also has to extend to the effects of policy decisions on the situation of children and adolescents. The 1996 report on Liechtenstein's children and youth policy provides the Governments with a valuable reference point for the long-term shaping of children and youth policy in Liechtenstein. The present report on the implementation of the Convention on the Rights of the Child will also contribute to this objective.